

Employee Training

Prevention, Prohibition and Redressal of Sexual Harassment of Women at Workplace



Training Objectives

- What is sexual harassment?
- Johnson Controls Policy on Redressal of Sexual Harassment-Highlights
- What are your rights and remedies?
- What are your duties as Employees and Managers?
- Internal Compliant Committee
- Grievance Redressal Process
- What are the consequences of sexual harassment?
- Dos and Don'ts in connection with sexual harassment



What is sexual harassment?



Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature or offensive remarks about a person's sex in general

- Not a defense that the harasser did not realize conduct was offensive.
- Submission to such conduct is an explicit or implicit term or condition of employment.
- Key elements to recognize behaviour :
 - Unwelcome, Sexual in nature, Subjective experience.
 - Impact not intent is what matters
 - Often occurs in matrix of power.

Differentiation: “Unwelcome” and “Welcome” behaviour

UNWELCOME	WELCOME
Feels bad	Feels good
One-sided	Reciprocal
Feels powerless	In-control
Power-based	Equality
Unwanted	Wanted
Illegal	Legal
Invading	Open
Demeaning	Appreciative
Causes anger/sadness	Happy
Causes negative self-esteem	Positive self-esteem

Common Forms Inappropriate behavior of sexual harassment at workplace



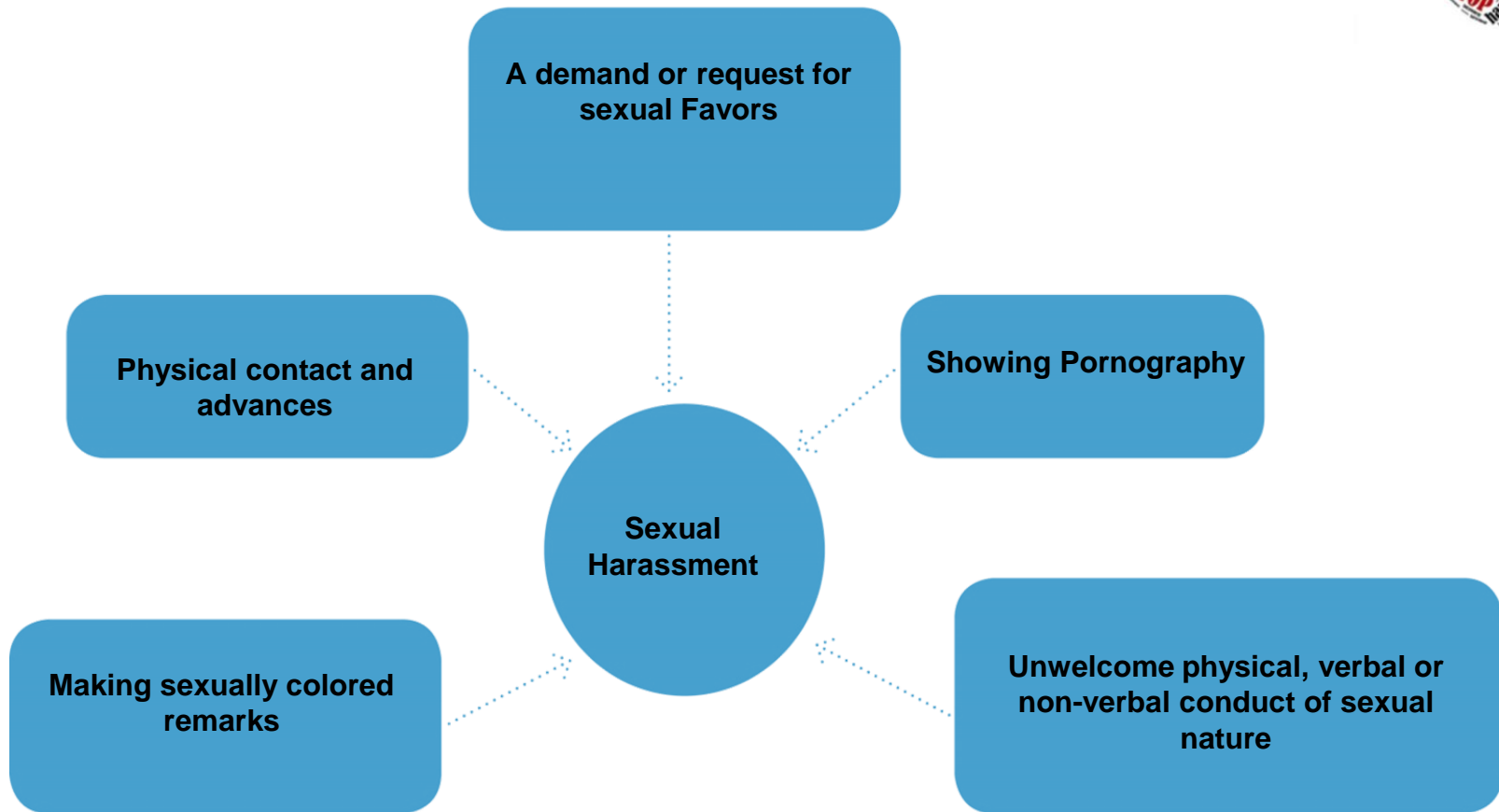
■ Quid Pro Quo (Something for something / “This for That”)

- Sexual favors are asked in exchange for any kind of special treatment on the job.
- Hiring decisions, promotions, salary increases, work assignments or performance evaluations based on employee’s willingness to grant or deny sexual favors.

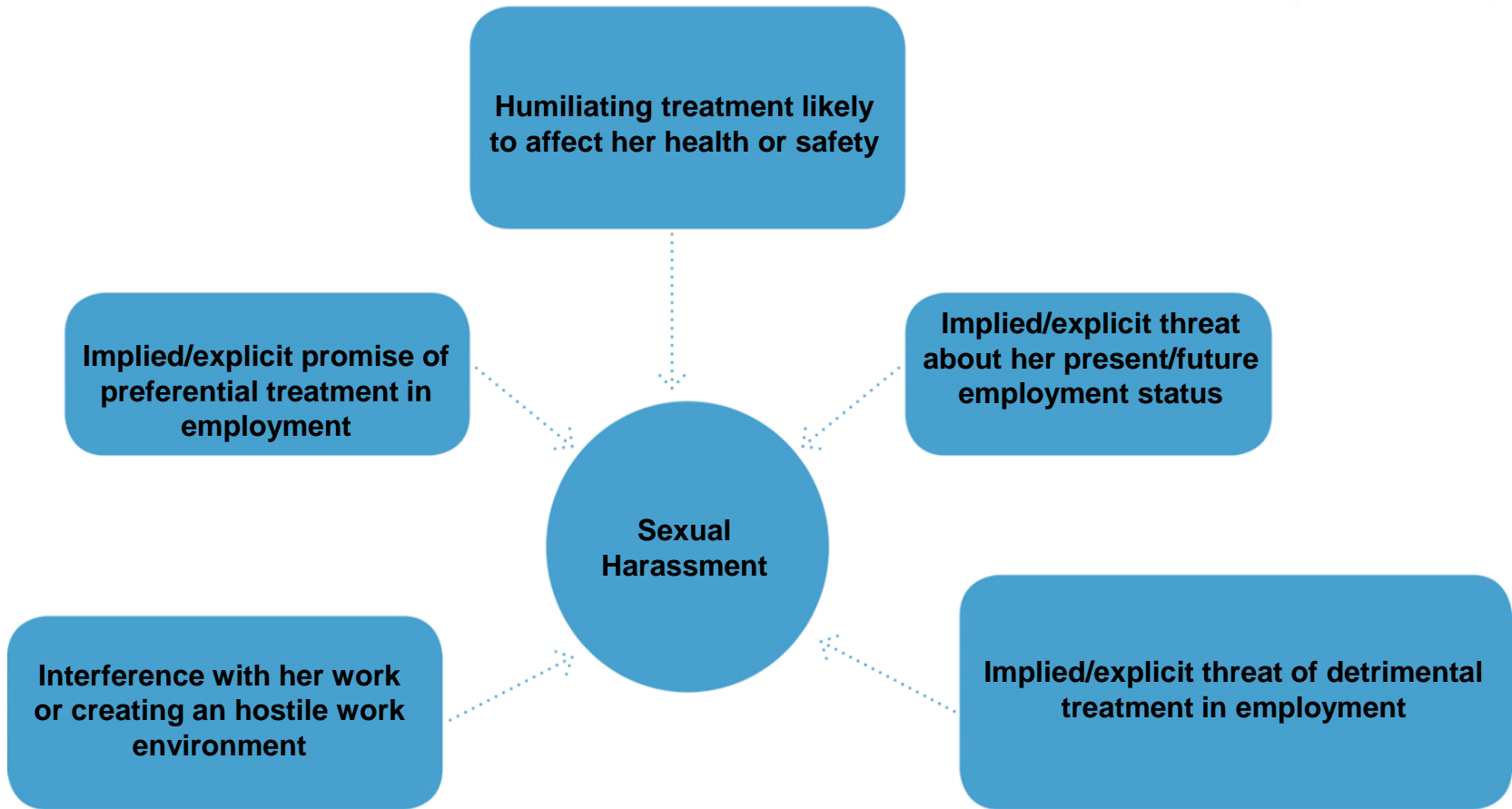
■ Hostile environment

- Via speech or conduct of a sexual nature
- Seen or perceived as offensive
- Interferes work performance of the recipient,
- Severe or pervasive enough to affect the person’s work environment.

“Sexual Harassment” under the law



Indicators - Circumstances Considered as Sexual Harassment



Relevant parties



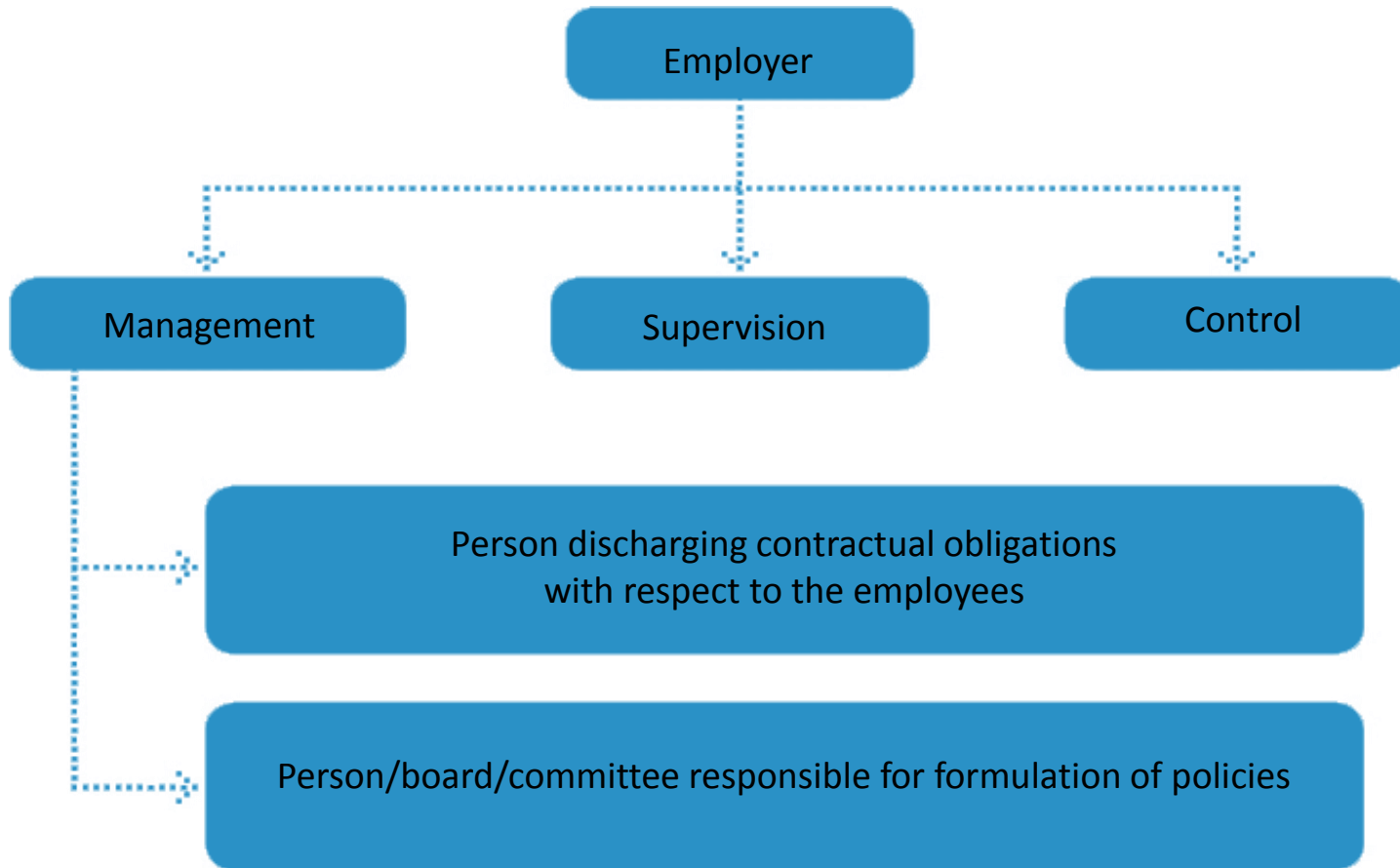
▪ **Aggrieved Woman in relation to a workplace**

- A woman of any age
- Whether an employee or not (includes internals, externals, visitors, trainee)
- Who alleges to have been subjected to any act of sexual harassment by the respondent

▪ **Employee**

- A person employed at a workplace for any work on regular/ temporary/ad hoc/daily wage basis, for remuneration or not
- Includes co-worker, contract worker, probationer, trainee, apprentice.
- Working for remuneration, on a voluntary basis or otherwise. Terms of employment can be express or implied.

Who is the Employer?



“Workplace” under the Act

A workplace is any place where a working relationship exists.



The “Extended” Workplace



Any place visited by the employee
➤ arising out of;
➤ or during course of;
employment,
including transportation provided
by
employer.



What are consequences of sexual harassment?



- **Action for sexual harassment as misconduct**
 - written apology, reprimand, warning/censure
 - withholding of promotion, withholding of pay rise or increments
 - termination of services
 - undergoing a counseling session or carrying out community service
- **Compensation to aggrieved woman/heirs from respondent's salary** based on
 - trauma
 - loss in career
 - medical expenses
 - respondent's financial status

Johnson Controls Policy on Prevention, Prohibition and Redressal of Sexual Harassment of Women at Workplace

- Objective : '**Zero tolerance**' on discrimination and promote a safe work environment.
- The policy applies to all employees and all Johnson Controls workplaces
- Responsibility : All associates of the company, both management and non-management.
- If any aggrieved woman (employee, external, visitor) believes that she has been subjected to sexual harassment she should:
 - Approach her region/location ICC & file a complaint to ICC or
 - Report within 3 months from the incident
- All complaints to be determined within a period of ninety (90) days



Responsibility of an Employer



- Provide a safe working environment
- Display:
 - Composition of the ICC
 - The penal consequences.
 - Grievance redressal mechanism.
- Organize workshops and awareness programs.
- Co-operate and assist during the course of the inquiry
- Provide assistance to the aggrieved employee, should she choose to file a police complaint.

Responsibilities

▪ Employee

- Informed and Compliant about the policy
- Attend trainings
- Speak up
- Desist/Discourage rumors
- Maintain Confidentiality
- Report promptly.

▪ Manager

- All reasonable steps to ensure employees safety
- Ensure awareness
- Sensitivity and Empathy
- Treat all complaints as serious
- Maintain confidentiality
- No retaliation



Employee rights and remedies



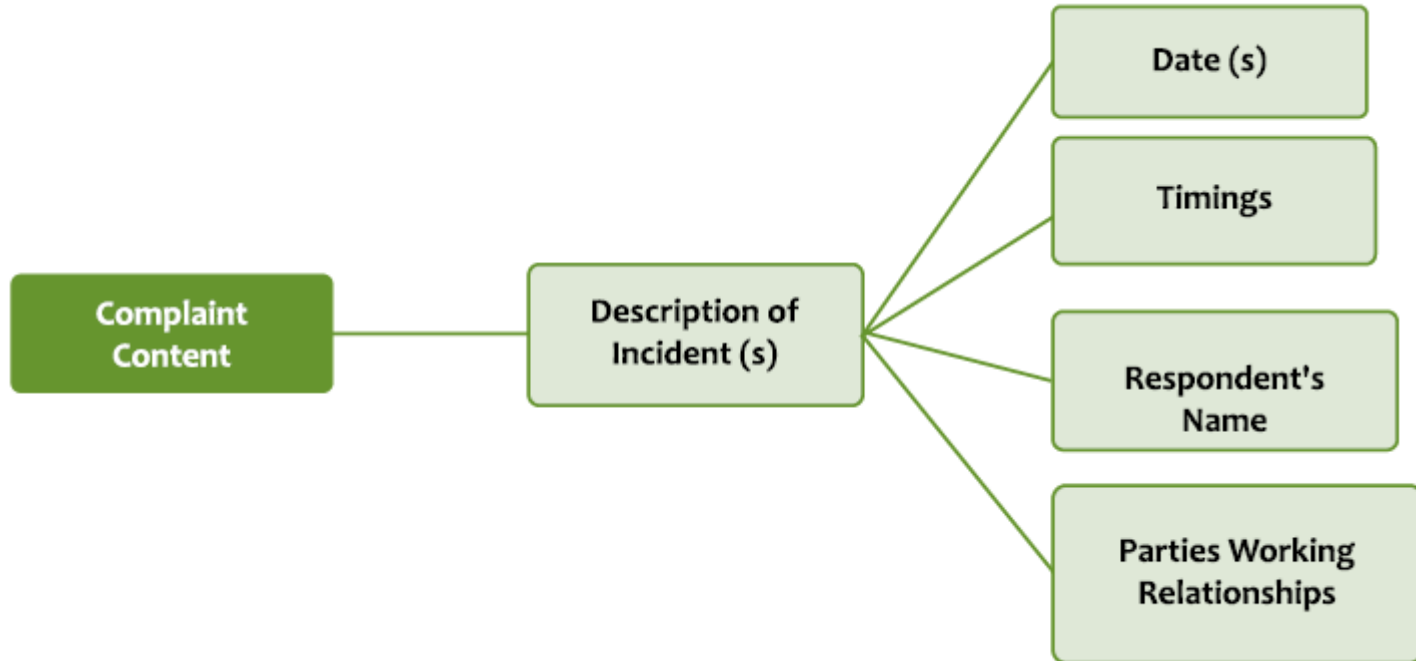
▪ Rights

- Safe working environment
- Effective Redressal of sexual harassment at workplace
- Confidentiality on complaint and redressal
- No retaliation against complaint.

▪ Remedies

- Women at each work location have a right to approach relevant Internal Complaint Committee (ICC)
- Male employees can file a complaint as per Johnson Controls HR Harassment Policy

What should a complain include?

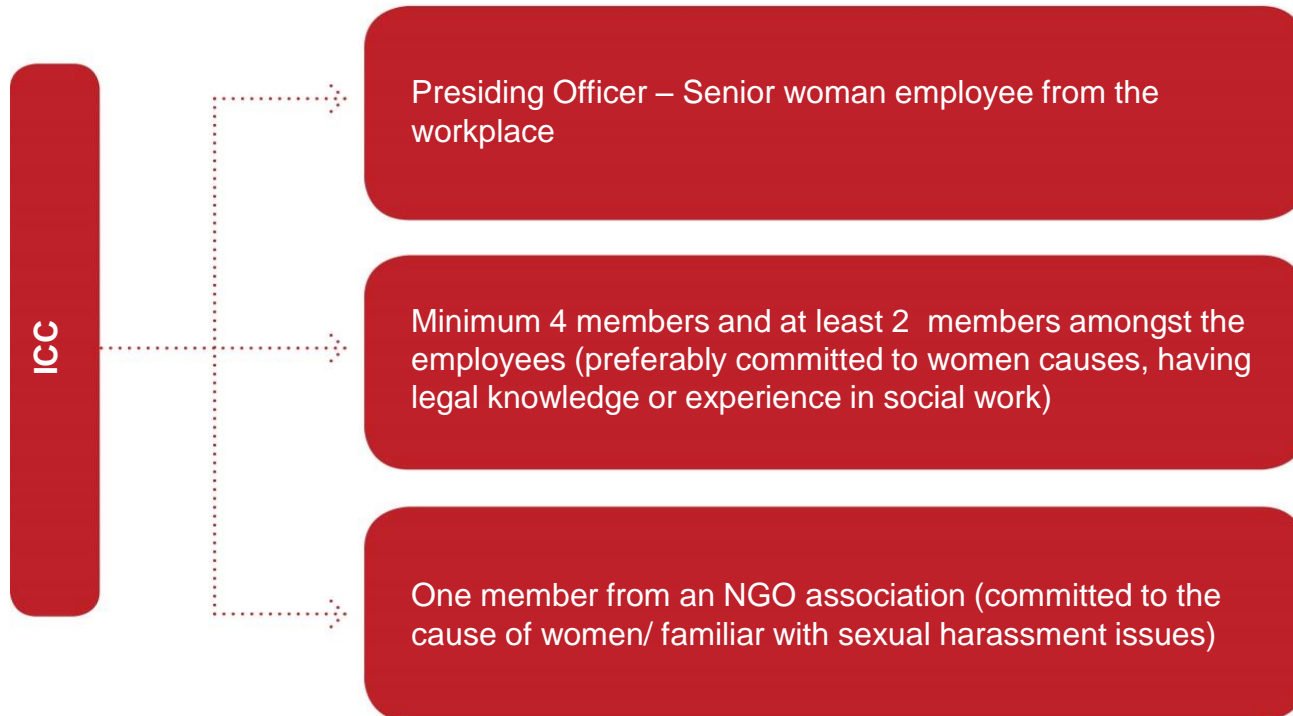


Rights

Complainant	Respondent
Empathetic attitude and fearless environment.	Patient and non-biased hearing
A copy of the statement along with all the evidence and a list of witnesses submitted by the respondent.	A copy of the statement along with all the evidence and a list of witnesses submitted by the complainant.
Identity Confidentiality	Identity Confidentiality
Right to appeal	Right to appeal
In case of fear of intimidation from the respondent, her statement can be recorded in absence of the respondent	
Opt for criminal proceedings	

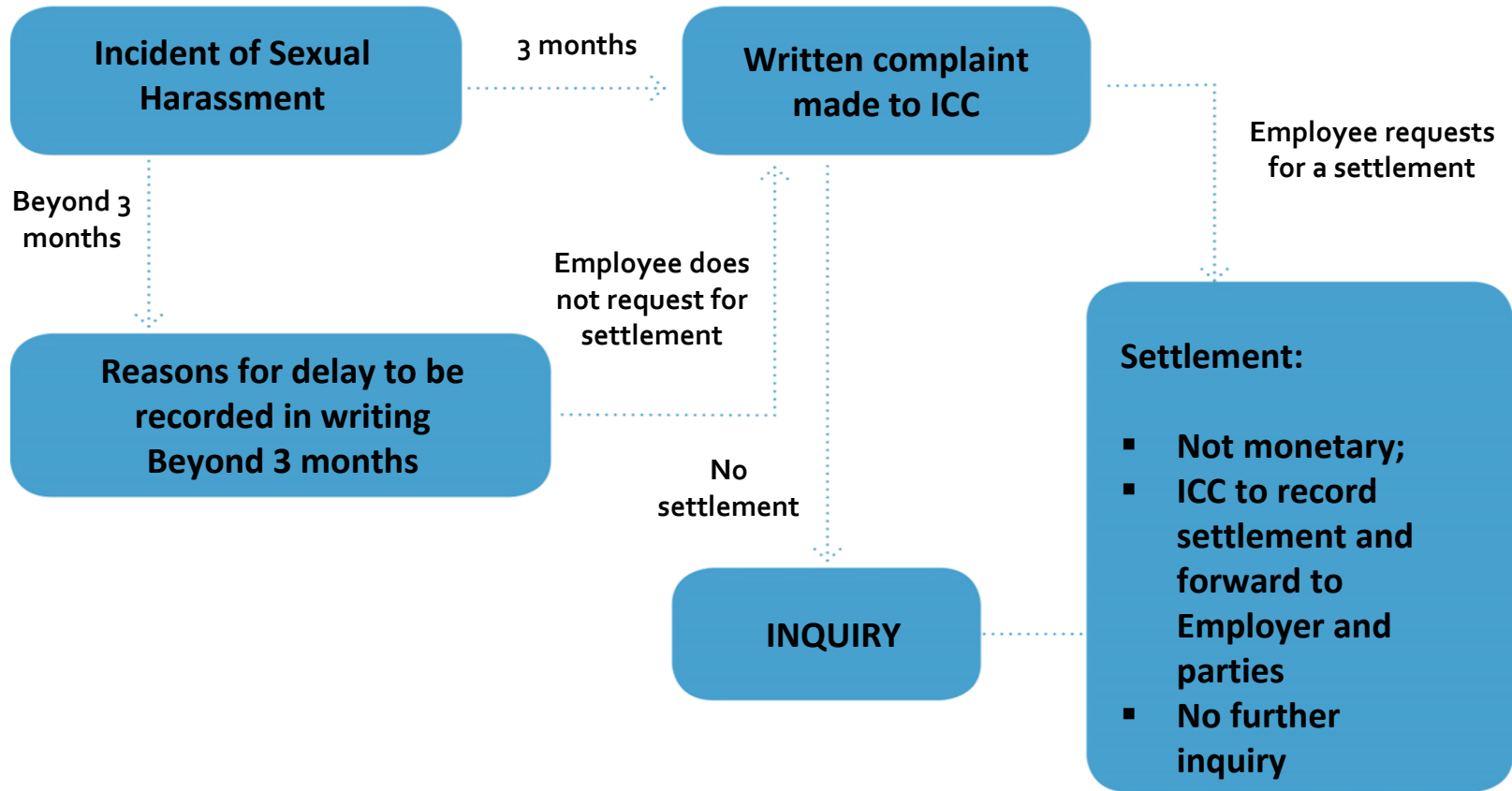
Internal Complaints Committee (ICC)

- Mandatory for establishments employing 10 or more employees
- ICC to be appointed by an order in writing
- At least ½ of the membership of the ICC to be women
- Tenure of ICC members: Not more than 3 years

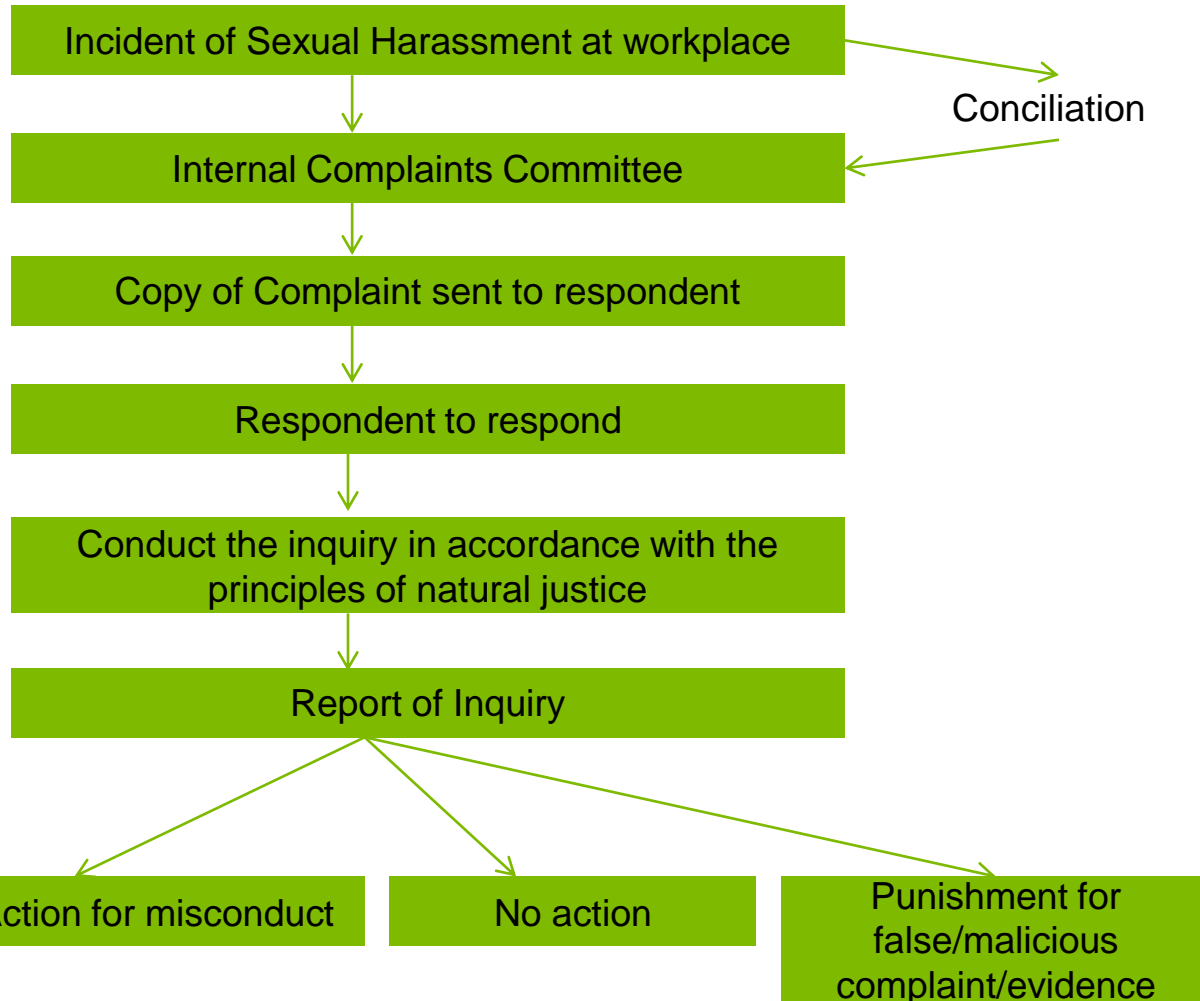


Internal Compliant Committee (ICC) details

Grievance Redressal Process



Grievance Redressal Process – contd.



Written complaint to be filed within **3 months** of the date of incident

Copy of Complaint to be given to respondent within **7 working days**

Respondent to respond within **10 working days**

Inquiry to be completed within **90 days**

Inquiry report to be issued within **10 days** from the date of completion of inquiry

Company to act on the recommendations of the committee within **60 days** of receipt of inquiry report

Dos and Don'ts



- Provide a safe working environment at workplace
- Create awareness on rights of women at workplace
- Provide effective redressal for sexual harassment of women at workplace



- Allow sexual harassment of women at workplace
- Ignore/tolerate sexual harassment of women at workplace
- Publish, communicate to public /press/ media the identities of parties or internal proceedings/recommendations of ICC

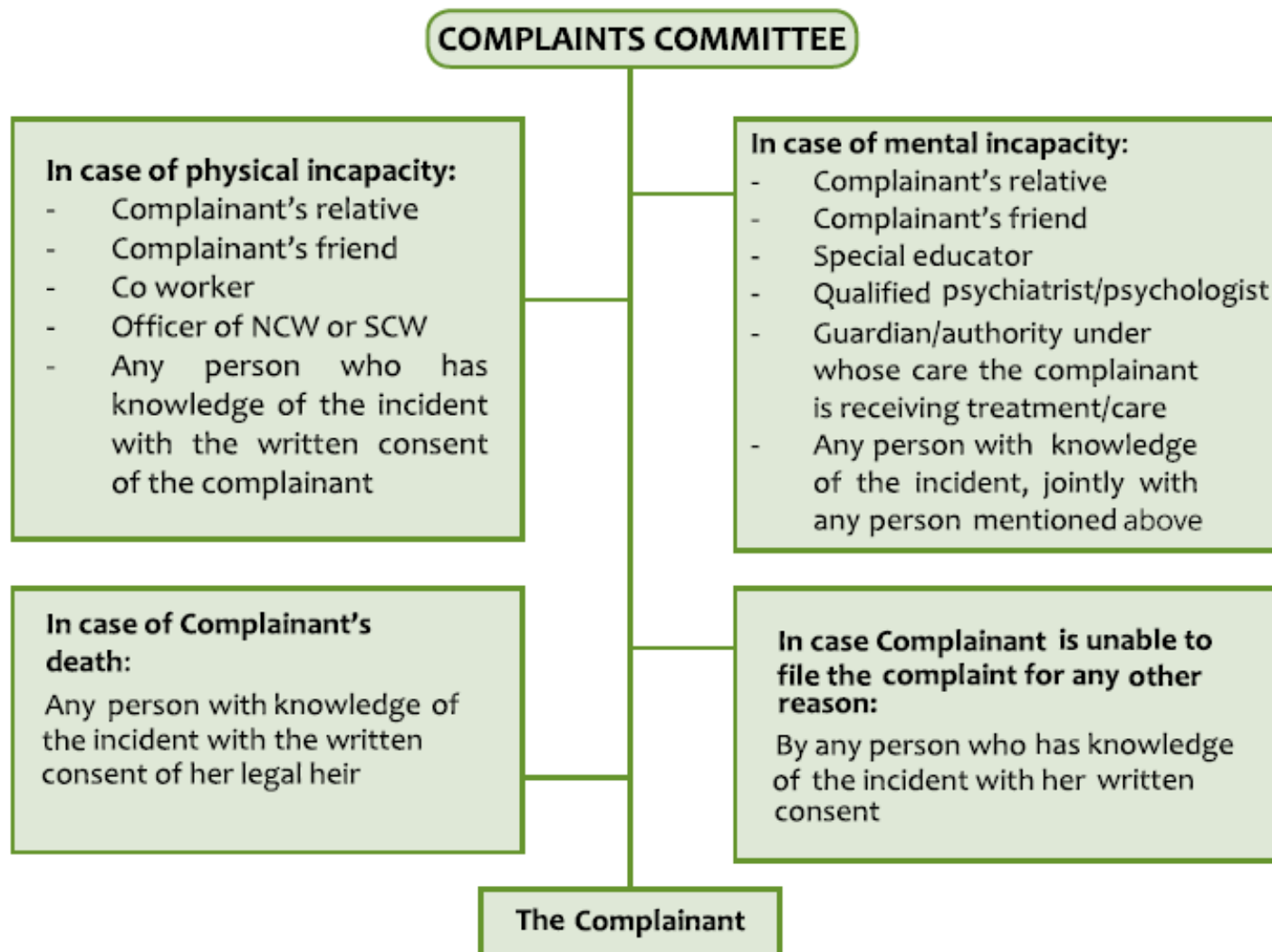


Appendix

Impact of inappropriate behavior removed

Professional	Personal
<ul style="list-style-type: none">• Decreased work performance• Increased absenteeism, loss of pay• Loss of promotional opportunities• Retaliation from the respondent, or colleagues/ friends of the respondent• Subjected to gossip and scrutiny at work• Being objectified• Becoming publicly sexualized• Defamation• Being ostracized• Having to relocate• Job and career consequences• Weakened support network	<ul style="list-style-type: none">• Depression• Anxiety, panic attacks• Traumatic stress• Sleeplessness• Shame, guilt, self-blame• Difficulty in concentrating• Headaches• Fatigue, loss of motivation• Personal Difficulties with time• Eating disorders (weight loss or gain)• Feeling betrayed and/or violated• Feeling angry or violent towards the respondent• Feeling powerless• Loss of confidence and self esteem• Over all loss of trust in people• Problems with intimacy• Withdrawal and isolation

Who can complain and where?



Complaint Redressal



- **Conciliation**

- ICC may take steps to settle the matter through conciliation if requested by aggrieved woman before initiating enquiry
- No monetary settlement shall be made as a basis of conciliation
- ICC shall record the settlement and share it with the employer to take recommended action
- ICC shall provide copies of settlement to the aggrieved woman and the respondent
- ICC shall not conduct any further inquiry in case of settlement, unless respondent does not comply with settlement terms

Complaint Redressal

▪ Inquiry:

- In accordance with service rules or in such manner as prescribed
- Where both parties are employees, parties to be heard, findings to be made available to enable representation before ICC
- ICC to have powers similar to court for making enquiry including
 - Summon and enforce attendance of person and examine on oath
 - Require discovery and production of documents
- Inquiry to be completed within 90 days
- Strict confidentiality on identity, address of aggrieved woman, respondent and witnesses, any information relating to conciliation, inquiry, proceedings and recommendations of IC

▪ Interim Reliefs:

During the pendency of the enquiry, as an interim measure, ICC may recommend upon written request by the aggrieved employee:

- Transfer the aggrieved woman or the respondent to any other workplace, another section or department as deemed fit by the Committee.
- Grant leave to the aggrieved woman up to a period of three months
- Restrain the respondent from exercising any administrative authority or supervision or evaluation of the aggrieved woman.

Complaint Redressal

- **Post Inquiry:**
 - ICC to report its findings to the employer within 10 days from inquiry completion
 - ICC to make available the report to parties
 - If allegation not proved, recommend to employer that no action be taken
 - **If allegation proved**, recommend to employer
 - To take action for sexual harassment as misconduct as per service rules/prescribed
 - Provide compensation to aggrieved woman/heirs appropriate compensation from respondent's salary or direct respondent to pay (based on trauma, loss in career, medical expenses, respondent's financial status)
 - If payment not made by respondent, ICC may forward order of recovery as an arrear of land revenue to the District Officer (nominated by government)
- Employer to act within 60 days of receipt of recommendation
- Post Inquiry if allegation is malicious/false:
 - ICC may recommend to employer to take action against woman as per service rules or as prescribed if no such rules
 - Mere inability to substantiate a complaint or provide adequate proof need not attract action against complainant
- Any person aggrieved from any recommendations may appeal to Court within 90 days

Punishment for Contravention

- Punishment to a respondent for sexual harassment under IPC
 - Up to 1 year for making sexually colored remark(s)
 - Up to 3 years for physical contact/advances, demand/request for sexual favors or showing pornography against woman's will

