

A HERPROJECT PRODUCT

TOOLKIT GUIDE

Women's Safety in the Workplace

Helping Business Prevent Sexual Harassment



Confederation of Indian Industry



CII-ITC Centre of Excellence
for Sustainable Development

C&A Foundation

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TABLE OF CONTENTS

PAGE
01

What is Sexual Harassment and Where Does it Happen?

PAGE
03

Five Reasons Why Businesses Should Tackle Sexual Harassment

PAGE
06

Types of Sexual Harassment

PAGE
07

About the Toolkit

PAGE
11

How Should the Toolkit Be Used?

- Inside the Toolkit • 13
- Training Decks • 15
- Training Manual • 15
- Step-by-Step Guides • 16

FURTHER USAGE AND DISCLAIMER

This toolkit is designed to be used in the textile and garment sectors in India but might also be applicable in other export-oriented industries that employ large numbers of low-income female workers, such as call centers, IT, agriculture, and others. Some of the tools and exercises may need to be revised and contextualized before being used in other industries, but the concepts, reference to legal instruments, and definitions found herein are generally applicable across all industries and sectors.

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What is Sexual Harassment and Where Does it Happen?

Sexual harassment is unwelcomed, unwanted, and unasked-for behavior that is sexual in nature.

About 40 percent to 50 percent of female workers have experienced humiliation and verbal abuse.

Sisters for Change, 2016

According to the International Labour Organization (ILO) there are two kinds of sexual harassment in the workplace: quid pro quo sexual harassment (demand for something in return for sexual favors), and a hostile environment in which individual or group behaviors create the conditions that are intimidating or humiliating for the victim.¹

How common is sexual harassment in the garment sector?

A 2015 ILO study showed that 80 percent of workers reported seeing or hearing about threats and penalties used to force workers to undertake work against their will. Some of the most widely reported forms of harassment included verbal abuse; being forced to work when not feeling well; physical violence; and being locked in the workplace.²

A recent report from Fair Wear Foundation found that 60 percent of factory workers have experienced some form of workplace harassment.³ A Sisters for Change survey in Karnataka showed that 1 in 14 women garment workers experienced physical violence. One in 7 have been raped or forced to commit a sexual act against their will. About 40 percent to 50 percent of female workers experienced humiliation and verbal abuse.⁴

How can you tell if it is (or is not) sexual harassment?

Sexual harassment is a subjective experience. It is the impact that it has on an individual, as opposed to the intent, that matters. Sometimes, a person may make a passing remark or make physical contact without intending to intimidate, coerce, or degrade, but ultimately, sexual harassment is determined by how the person receiving the act feels.

Who are the victims of sexual harassment?

Although both women and men can be victims of sexual harassment, most victims are women. This toolkit focuses primarily on women workers' experiences, but it should be noted that unequal gender roles have negative effects on men too.

Why does sexual harassment happen?

Most sexual harassment is used by men against women as a display of power with the intention to intimidate, coerce, and degrade.⁵ Sexual harassment happens frequently in high pressure working environments and in workplaces where the stresses and challenges facing supervisors and managers are not always recognized or acknowledged.⁶

Sexual harassment has a serious and negative impact on women's health and well-being. Women may experience physical injuries, fear, anxiety, embarrassment, and shame.

Women may blame themselves for the incident(s) and may feel that they are bringing shame on their family, and they are often frightened of it happening again.

Victims of sexual harassment often do not file reports because they are afraid of losing their jobs; afraid of mobbing, bullying, and further victimization; or afraid that the report would not be taken seriously.

Are there consequences for harassers?

Harassers are at risk of being fired, arrested, and jailed for their actions. They may feel guilty or bad about themselves and may abuse alcohol or other substances to cope.

We do not have any reported cases of sexual harassment. Does that mean we have no issue in our workplace?

Sexual harassment is often a hidden issue. Communities often view violence against women as normal or acceptable, and the victims themselves may normalize their experiences and not see a reason to report it. Don't assume that because there have been no complaints from workers the problem does not exist.

¹ ITUC. 2008. https://www.ituc-csi.org/IMG/pdf/Harcelement_ENG_12pgs_BR.pdf.

² ILO, 2015.

³ Fair Wear Foundation, 2013.

⁴ Sisters for Change, 2016. http://wo-men.nl/wp-content/uploads/2016/06/2016-06-SFC_WomenatWork_FullReport_June2016.pdf.

⁵ ITUC. 2008. www.ituc-csi.org/IMG/pdf/Harcelement_ENG_12pgs_BR.pdf.

⁶ <http://betterwork.org/global/wp-content/uploads/Research-Brief-Sexual-Harassment-LR-Rnd5-4.pdf>

Five Reasons Why Businesses Should Tackle Sexual Harassment

There are several compelling reasons for
businesses to act now.

“Absenteeism and attrition rates have reduced
dramatically as a result of trainings.”

Corporate Compliance Team, OC Woven

1 Sexual Harassment is a Violation of Human Rights

According to a Nimbuzz poll, 47 percent of women feel the top issue at work is sexual harassment and 51 percent of male colleagues feel that their female colleagues have faced sexual harassment in one way or another.⁷

Businesses are held to standards set in internationally recognized human rights.⁸ These rights are also enshrined in the Constitution of India. The United Nations' Guiding Principles for Business and Human Rights states that businesses have a responsibility to respect human rights. Furthermore, actions on combatting sexual harassment support at least two of the United Nations' Sustainable Development Goals (5.2 and 16.1).

There is an increasing need for businesses that want to benefit from international markets to demonstrate that their workplace meets high ethical standards, in addition to other production values such as quality and timeliness.

2 It is a Legal Requirement

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act of 2013 protects women against sexual harassment at work by ensuring that employers both prevent and set up structures to address sexual harassment when it occurs.

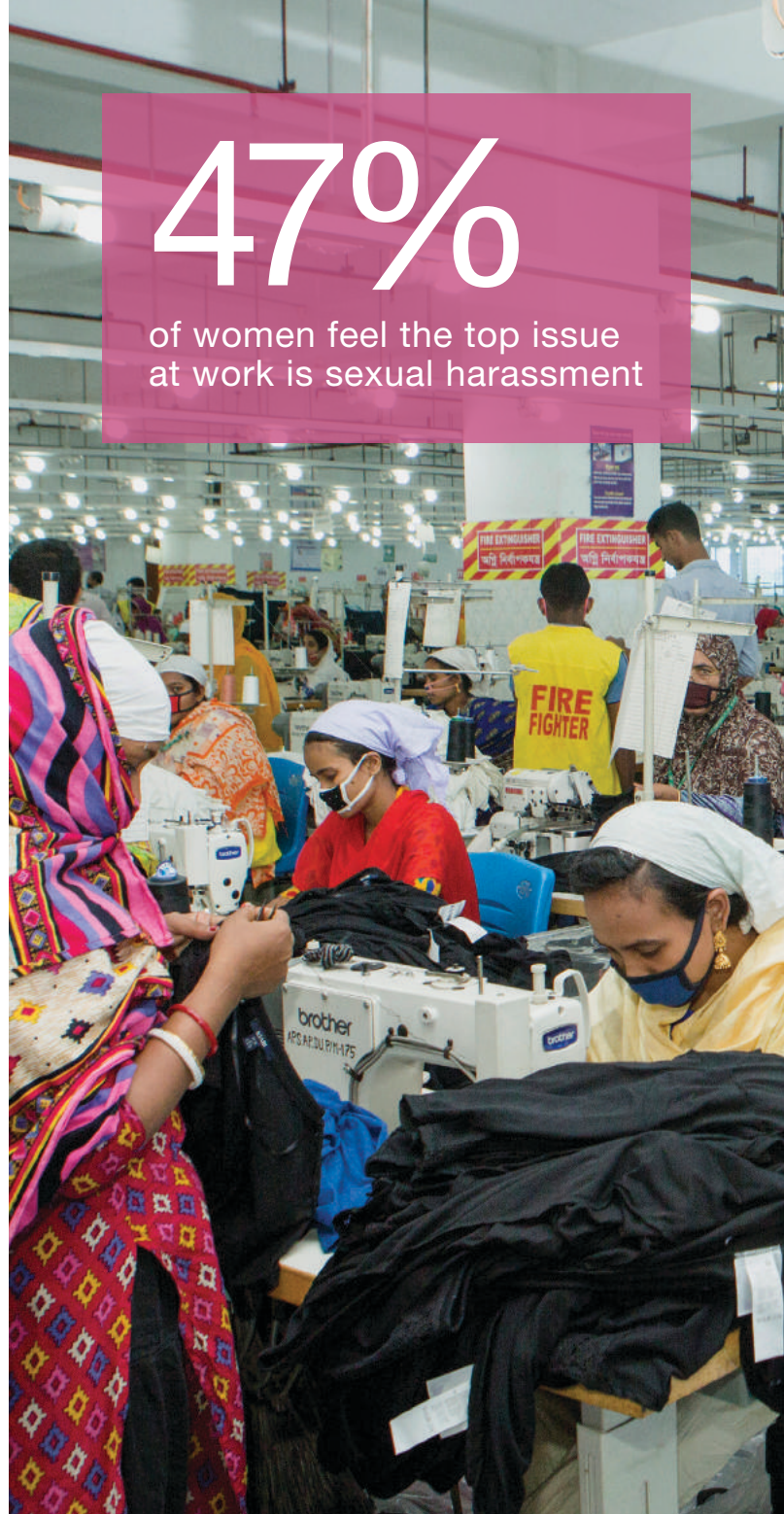
According to the Act, all businesses are required to:

- ▶ Have an anti-sexual harassment policy with a clear definition of sexual harassment and penalties for perpetrators.
- ▶ Establish and maintain an Internal Complaints Committee (ICC) that addresses sexual harassment complaints.
- ▶ Hold workshops and awareness-raising programs in the workplace that inform all workers of the workplace mechanisms available to prevent sexual harassment.

Workplaces failing to meet the requirements risk fines and the cancellation of their business license.

⁷ Nimbuzz. 2014. Pulse of the Nation. Cited in www.businessinsider.in/47-Of-Indian-Women-Find-Sexual-Harassment-At-The-Workplace-A-Big-Issue/articleshow/45070664.cms and Haloi, N. 2015. www.irjms.com/files/Nipon-Haloi.pdf.

⁸ UN. Guiding Principles.



47%

of women feel the top issue at work is sexual harassment

51%

of male colleagues feel their female colleagues have faced sexual harassment

3 It is a Matter of Compliance

Sexual harassment is prohibited in the codes of conduct of most large international companies. In recent years, many buyers have come under scrutiny in the media for labor standards violations occurring in their supply chain, including violations in subcontracted factories. To avoid negative impacts on their sales, companies have a strong incentive to ensure that their suppliers operate above the law. As a result, companies are increasingly reluctant to associate with factories that fail to meet high standards.

4 It Makes Business Sense

Workplace violence has significant economic costs for factories. Addressing it can lead to:

- ▶ **Increased productivity.** Employees (both workers and managers) who experience, witness, or hear about violence and sexual harassment taking place in their factory are not as productive as those free from concern.
- ▶ **Decreased rate of attrition.** Sexual harassment is a major reason workers choose to leave their jobs. Strengthening relationships of trust between managers and workers leads to increased worker loyalty.⁹
- ▶ **Decreased absenteeism.** If workers are frightened or stressed they may skip work or arrive late to avoid the perpetrators.
- ▶ **Retention of trained and skilled staff.** Incidences of sexual harassment—both unreported and reported—drive skilled workers to seek employment elsewhere.
- ▶ **Reduced legal costs.** By lowering the number of complaints, there is less need to seek legal settlements. Issues that are not addressed adequately may result in factories losing their business licence.
- ▶ **Increased self-confidence and safety at work.** Women workers who are guaranteed a safe workplace, and who are assured of justice in the event that their safety is threatened, tend to have more confidence and trust in their workplace, and are therefore able to focus on generating better results at work.

5 It is an Opportunity for Businesses to Make a Difference

Although maintaining a clear workplace anti-harassment policy, establishing and maintaining an ICC, and raising awareness of the consequence of harassment are legal requirements, businesses can take an active role in preventing violence and promoting gender equality.

For instance, one factory in Bengaluru successfully used a series of street plays, one-to-one interactions, experience sharing, and health camps to improve attitudes related to gender norms in the workplace and the workers' community.¹⁰

⁹ ILO, 2015.

¹⁰ www.ncbi.nlm.nih.gov/pubmed/27002859.

Sexual harassment can take many different forms.

PHYSICAL



Unnecessary physical contact that is sexual in nature, such as touching, pinching, stroking, leering, and winking.

“On the way out of the factory, some male workers would playfully stroke the female workers, block their way, push them aside, hold them tightly against the wall, say, ‘I will abduct you’ or ‘I will do bad stuff to (have sex with) you.’ The girls wouldn’t complain about it to the supervisor or line chief, rather they would just laugh at such acts and comments.” -Moni, sewing operator

VERBAL



Commenting on a worker’s appearance or attractiveness; making sexual comments; making sexual innuendos; telling sexual jokes; insulting someone based on their sex or sexuality; introducing sexual topics into work discussions; asking for sexual favors in exchange for better treatment.

“The production manager touched her shoulder and said, ‘I like you very much. Your job will be easier and you will face no trouble if you talk to me and do what I say.’ He asked her to spend time with him.” -Selina, sewing operator

PSYCHOLOGICAL



Implicit or expressed threats about a worker’s future or employment status; implicit or expressed promise of preferential treatment; making a worker work unsociable hours; locking a worker in a room or in the factory.

“There was this quality controller who asked me to go out with him or to allow him to come to my house. I refused him. It made him angry and he started identifying mistakes in the pieces I delivered even when they were perfect.” -Arifa, factory worker

NONVERBAL/VISUAL



Showing sexually explicit materials; sending anonymous texts or letters; whistling.

OTHER WORKPLACE HARASSMENT

In addition to sexual harassment, there are many other forms of violence, including bullying, involuntary excessive working hours, and psychological abuse, all of which companies should prevent and address.

About the Toolkit

Tackling sexual harassment is imperative to the success of the textile and garment industry in India.

“We know there is a well-established relationship between worker well-being and productivity gains in our members’ facilities, which is why we are promoting the use of this toolkit. But there is also a bigger picture to appreciate: one that shows that increasing the benefits of formal work for women helps all Indians strive toward achieving the bigger task of meeting the SDGs.”

Shikhar Jain, Principal Counsellor,
CII-ITC Centre of Excellence for Sustainable Development

Buyers and consumers alike are ever more concerned about workers' well-being in global supply chains, and the rapid growth of the textiles and garment industry in India in recent years has brought increased attention to working conditions and standards in the industry.

One of the most serious challenges in the textiles and garment sector is tackling the issue of sexual harassment in factories and other workplaces.

As the second-largest exporter of textiles and garments globally, India's textile and garment sector currently contributes 4 percent of India's gross domestic product, and 14 percent of total industrial production. As of 2016, the industry was estimated to be worth around US \$100 billion, with exports reaching US \$40 billion for 2015-2016. Almost half of all exports in the sector come from the sale of garments.¹¹

The garment sector is also improving the lives of millions of people. Over 45 million people are employed in the sector in India, and 60 percent of these—or approximately 27 million workers—are women. For many young people from rural areas, the sector offers better wages and more stability than other types of work such as farm work, construction work, or domestic labor.

Leaders in the garment and textile sector have a lot to gain from promoting a safe working environment for women. By successfully addressing sexual harassment, companies can reduce harm to women and positively reinforce business outcomes.

BSR has developed this toolkit in partnership with the Confederation of Indian Industry (CII), and in consultation with their members, to provide guidance for companies seeking to strengthen their own policies and activities that prevent and address sexual harassment.

This toolkit provides an introduction to the context of sexual harassment in the workplace. It proposes actions that you as a business leader could take to prevent sexual harassment in your factory, and it contains tools that will help you ensure a safe workplace for all workers.

¹¹ www.ibef.org/industry/textiles.aspx.

A woman in a light blue factory uniform is focused on her work, looking down at a piece of blue fabric. She has her hair pulled back and is wearing a bindi. In the background, other workers in similar uniforms and hairnets are visible, working in a factory setting.

OVER
45 MILLION
PEOPLE

ARE EMPLOYED IN THE
TEXTILES AND GARMENT
SECTOR IN INDIA.

27 MILLION
ARE WOMEN – 60 PERCENT
OF ALL WORKERS.

Specifically, this toolkit **informs** and **guides** factory management and staff on the following:

- ▶ Helping to answer the question “What is sexual harassment?”
- ▶ Creating a better understanding of the root causes of sexual harassment in the workplace
- ▶ Discussing the role of business in tackling sexual harassment
- ▶ Providing easy to use step-by-step guides on how to put key workplace structures in place
- ▶ Sharing interactive training sessions for top management and other employees
- ▶ Walking through model policies
- ▶ Preparing you for the outcomes of exposing sexual harassment

In India, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 legally protects women from sexual harassment at their places of work. However, it is important to note that the lack of institutional grievances and complaint procedures is not the only factor contributing to sexual harassment in the workplace, and an **anti-harassment policy and an Internal Complaints Committee (ICC) alone would not be sufficient to stamp out sexual harassment.**

Many other factors contribute to the prevalence of sexual harassment in the workplace,¹² including:

- ▶ Unequal power relations in the wider Indian society
- ▶ A combination of harmful social norms and gender stereotypes
- ▶ Tight production targets at work
- ▶ Workplace culture that condones violence
- ▶ Low levels of unionization
- ▶ Misaligned incentives between supervisors and workers
- ▶ Weak human resources systems

Therefore, this toolkit also provides examples of how employers can go beyond company policies to address the root causes of sexual harassment and prevent it from occurring.

As with other activities that combat sexual harassment in the workplace, the successful implementation of this toolkit requires an ongoing commitment from top management.

It is recommended that the toolkit’s resources be shared with human resources and welfare officers, members of the ICC, and workers’ representatives.

¹² International Training Centre of the International Labour Organization and Fair Wear Foundation, 2016. Gender-based violence in global supply chain resource kit. <https://gbv.itcilo.org/>

Who Should Use the Toolkit?

The toolkit is intended for use by all factory staff to raise awareness in general and to achieve the following specific objectives in their respective capacities.

- ▶ **Senior managers** can use this booklet and the toolkit to understand the implications of the Act of 2013 for their factory, including their legally-binding roles and responsibilities; to help unpack their moral obligation; to help establish an ICC, select its members, and establish grievance mechanisms in the workplace.
- ▶ **Human resource officers, compliance officers, welfare officers, and clinic staff** can use this toolkit to inform workers and supervisors about the impact of the Act of 2013 on their workplace. Many components of the toolkit—for example, communications material—can be used to support awareness programs in the factory.
- ▶ **Members of the ICC** can use this toolkit as reference when processing complaints through the formal grievance mechanism.
- ▶ **Business associations** can promote this toolkit's use with their members. They may also use the training decks and guidance resources to advise and train member companies.
- ▶ **Workers' organizations** can use the training decks to inform their members of their rights and the responsibilities of their employers.
- ▶ **Nonprofit organizations** can use the toolkit to facilitate trainings for factories.

How Should the Toolkit Be Used?

There are a number of issues to bear in mind when making use of the toolkit.

Sixty percent of factory workers have experienced some form of workplace harassment.

-Fair Wear Foundation

First Do No Harm

Users of this toolkit, regardless of their positions and responsibilities should observe the “Do No Harm” principle, remembering that sometimes our actions can create harm despite our intentions. Any actions that could make anyone vulnerable or create potential harm should be reconsidered.

In India, many barriers exist to successfully addressing sexual harassment. Most relate to concerns about safety and/or feelings of shame, for example:

- ▶ Many women may not wish to talk about and/or report their experiences of sexual harassment to the ICC for fear of targeted reprisals by factory management and/or the perpetrators themselves. No woman should be forced to disclose or report against her will.
- ▶ Some events are too personal and evoke feelings of shame. Any behaviors that are perceived to be judgmental can reinforce feelings of shame and impair disclosure. This can be magnified in workplace settings that are not built on trust.

To do no harm means proceeding with caution and only conducting activities that do not risk any further harm to any of the parties involved, including victims, witnesses, and even bystanders.

Factory staff and ICC members who have a responsibility to prevent and address sexual harassment should receive specific training on gender-sensitive issues and on the specific needs of women victims. They should take the necessary safety and confidentiality measures, especially when dialogue with victims includes personal experiences. Workers should always be assured of fair treatment under all circumstances.

Fundamentally, a strong “do no harm” approach needs to be based on a solid understanding of the context of violence in the workplace and must not increase exposure to the risks referenced above. We recommend a thorough assessment of workplace relationships and support systems prior to the application of this toolkit.

If in doubt, consult a local gender and/or health expert.

What will happen when I implement this toolkit?

Successful implementation of this toolkit could contribute to the strengthening of workplace policies and systems that result in preventing and redressing sexual harassment. General awareness of the topic might also be raised if there are concerted and sustained efforts to conduct trainings for management and workers at all levels on a regular basis.

Reported cases of sexual harassment may increase?

Effective implementation of this toolkit and other anti-sexual harassment activities will provide workers with more awareness and trust in the system to provide just outcomes.

This means that implementation could lead to an increase in reported incidents, which may be considered a positive outcome. Therefore, the subsequent number of reported cases at any time following the use of this toolkit, or other anti-sexual harassment activities, should not be used as the sole indicator when measuring the change in prevalence of sexual harassment. Instead, the number of reported cases of sexual harassment must only be used together with other monitoring tools when interpreting the impact of such anti-sexual harassment activities.

These additional tools might include:

- ▶ Surveys on the knowledge of sexual harassment
- ▶ Related workplace policy
- ▶ Attitude and behavior regarding gender relations

Remember, prevention is the key. In addition to adopting clear policy and procedures, employers should conduct regular training for management and workers on gender relations and other soft skills; engage with male employees to create positive role models; and improve working conditions and relationships to address the root causes of sexual harassment.

Inside the Toolkit

The toolkit includes a variety of helpful materials for implementing a comprehensive response to sexual harassment.

Eighty percent of workers reported seeing or hearing about threats and penalties used to force workers to undertake work against their will.

-ILO study, 2015

TOOLKIT GUIDE

The following icons are used throughout the toolkit to help you understand the different ways its contents can be used.



Self Reference

Materials with the self-reference symbol will contain descriptive text to allow the reader to explore a specific issue or subject in greater depth.



Facilitated

Materials with the facilitated marker symbol will be accompanied by tips that provide facilitators with instructions on how to deliver activities. For instance, this would include information on the setup of the room, the method (e.g., game or exercise, group work, discussion), and anything that the facilitator needs to be mindful of (e.g., dealing with sensitive topics).



Point of Reflection

Where the point of reflection symbol appears, users are encouraged to take a moment to think about their own attitude and behavior.

Training Decks

For Senior Management

This deck provides senior management with a broad overview of sexual harassment in the workplace, the Sexual Harassment of Women at Workplace Act of 2013, and management's responsibilities in creating a safe workplace. The deck includes the following sections:

- ▶ Definition of sexual harassment
- ▶ Business and human rights case for stopping sexual harassment at work
- ▶ Consequences of sexual harassment for victims, perpetrators, and the overall workplace
- ▶ Implications of the Act on the workplace
- ▶ Responsibilities of employers according to the Act

Through participatory and interactive group activities, managers will discuss and reflect on gray-area cases of sexual harassment and on violence against women in different settings. After completing this presentation, managers will be equipped with tools to prevent sexual harassment by strengthening workplace anti-harassment policies; establishing an Internal Complaints Committee (ICC); developing a grievance mechanism; and implementing training for all staff—from workers to supervisors.

For Workers

As with other tools, this deck introduces workers to the concept of sexual harassment and its consequences. But here trainings are more interactive and so suitable for semi-literate and illiterate audiences.

This resource also informs workers on how to use formal complaints procedures and other processes available to them, and defines the roles and responsibilities of management.

For Supervisors

This tool is similar in scope to the workers deck but it also helps supervisors to explore and understand their role in creating safe working environments. Many of these scenarios are difficult and at times ambiguous, encouraging supervisors to think, reflect, and discuss how to address the problems.

Training Manual

For Facilitators

This manual prepares factory staff and NGO partners to conduct trainings for workers and supervisors. The manual equips facilitators with:

- ▶ Basic concepts: gender, power, sexual harassment
- ▶ How to plan a training, how to evaluate after completion
- ▶ Importance of the training environment
- ▶ Roles and responsibilities of a facilitator
- ▶ How to communicate to participants as a facilitator
- ▶ Reading, responding, and adapting to the participants
- ▶ Making the training participatory: more facilitation, less training
- ▶ How to talk about sensitive topics
- ▶ What if's—examples of difficult situations that may arise in trainings and how to address them
- ▶ How to evaluate the training
- ▶ Learning from both failures and successes



Step-by-Step Guides

How to Set Up an Anti-Harassment Policy

This easy-to-follow guide breaks down components of setting up a factory's anti-harassment policy. Each of the steps is complemented by a combination of further questions and policy examples. This guide provides recommendations to:

- ▶ Create a statement of intention
- ▶ Develop a clear definition of harassment
- ▶ Identify the perpetrator and victim
- ▶ Pinpoint the location of harassment
- ▶ Understand and follow complaint procedures
- ▶ Understand and implement redressal procedures
- ▶ Determine sanctions and disciplinary measures
- ▶ Disseminate the policy throughout the company
- ▶ Implement the policy throughout the company

How to Form and Run an Internal Complaints Committee (ICC)

This guide provides a set of steps on forming an ICC and:

- ▶ The ICC's roles and responsibilities
- ▶ The roles and responsibilities of the ICC's members
- ▶ Tips on how the ICC can deal with complaints in a respectful and effective manner

How to Establish a Grievance Mechanism

The tool provides guidance on how to:

- ▶ Receive and acknowledge receipt of a complaint
- ▶ Meet and talk with complainants
- ▶ Develop informal mechanisms to deal with complaints
- ▶ Develop formal mechanisms to deal with complaints
- ▶ Notify the accused of the complaint
- ▶ Properly prepare the file
- ▶ Ensure the safety and well-being of the complainant
- ▶ Prepare an interview plan for the hearing
- ▶ Assess information gathered from interviews
- ▶ Review and reason based on information gathered
- ▶ Make a ruling based on the information
- ▶ Provide recommendations to factory management
- ▶ Submit a report

Also included in this section is:

- ▶ A table summarizing the expected time frame for each step in the grievance process.
- ▶ Supplementary grievance channels—such as a suggestion and complaint box

The guide also covers:

- Workers' and union representatives
- Robust managerial systems
- Hotlines and electronic communication
- Labor courts and tribunals.





About HERproject

BSR's HERproject is a collaborative initiative that strives to empower low-income women working in global supply chains. Bringing together global brands, their suppliers, and local NGOs, HERproject drives impact for women and business via workplace-based interventions on health, financial inclusion, and gender equality. Since its inception in 2007, HERproject has worked in more than 420 workplaces across 14 countries, and has increased the wellbeing, confidence, and economic potential of more than 500,000 women.



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