
Handling of Sexual Harassment at Greenpeace India

A Synopsis of the Audit Report prepared by Laxmi Murthy

INTRODUCTION

An external audit was commissioned by the Board of The Greenpeace India Society (GPIS, hereafter referred to as GP) following a meeting on June 24, 2015. An independent external audit of the manner of handling sexual harassment of women in the workplace was deemed necessary in the face of the crisis GP faced, internally and externally, due to its improper handling of complaints of sexual harassment. This process audit is also expected to contribute to putting in place a revised policy and in-house mechanism to (a) prevent Sexual Harassment and create a conducive and safe work environment in Greenpeace India and to (b) set up robust mechanisms to deal with complaints of sexual harassment of women at the workplace.

OBJECTIVES

The audit was undertaken to

- (i) Establish an external and independent view of how GP handled sexual harassment cases reported since December 2012 and
- (2) To identify actionable learning to recommend how GP policies, procedures and capacity can be strengthened to deal with sexual harassment and create a safe workplace.

BACKGROUND

The 'Vishaka Guidelines' on sexual harassment at the workplace laid down by the Supreme Court of India in 1997 were a landmark in creating a secure workplace for women. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 that superseded the Vishaka Guidelines in December, 2013. The employer was expected to ensure prevention as well as redress for complaints of sexual harassment at the workplace through a formal policy and an internal complaints mechanism.

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

1. Organizational Culture

- The ramifications of a hostile workplace for working women, especially young women, have not been adequately factored into the organizational vision. Sexism is not called out, bullying and harassment not firmly dealt with, while sexual harassment largely continues to be viewed as trivial and harmless jokes.
- Gender equity is currently not an intrinsic aspect of the social justice vision of the organization, leading to a somewhat cavalier attitude toward sexual harassment where victims were expected to tolerate it while dealing with "larger" issues of saving the environment.
- The lack of understanding of gender inequality and sexual harassment as well as how workplace hierarchies, power and privilege play out underlies the systemic failure of the organization to work towards gender equity.
- A work culture that promotes aggressive campaigners, macho demonstrators

and rewards bold and confrontational actions might not adequately address the needs of those less vocal and more vulnerable within the organization.

Recommendations:

- *Sensitization on gender equity and sexual harassment to be regular and ongoing at all levels, from staff to the Senior Management Team.*
- *Prevention of sexual harassment at the workplace to be prioritized.*
- *Zero tolerance for gender discrimination and sexual harassment at all levels be communicated in unambiguous and actionable terms right from the point of recruitment.*
- *Staff to be clearly and unambiguously informed about the consequences of being found guilty of sexual harassment.*
- *Enhancing gender balance in staff, recruiting more women at all levels, providing an enabling environment and ensuring opportunities for their professional advancement within the organization.*

2. Institutional Failure

- Non-compliance with laws since the Vishaka Guidelines, 1997, to The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. The lacunae in the implementation of measures to prevent, prohibit and redress sexual harassment were not adequately addressed by the institution. Notwithstanding some efforts, the shortcomings were related not just to the letter of the law, but also its spirit.
- No effective mechanisms to address sexual harassment in a prompt and time-bound manner that would engender confidence in those wishing to speak out. The issue was dealt with more as a “problem” to be sorted out, rather than as an issue stemming from deep-seated inequality in power and privilege that needed to be addressed as part of the vision of the organization.
- Arbitrary and illogical decisions regarding handling of complaints by personnel ill-equipped to deal with the sensitive issue of sexual harassment at the workplace with inadequate supervision of their decision-making.
- Inadequate publicity about the ICC and SH Act. Staff largely remained unaware of the definition of sexual harassment, what constituted an offense, as well as the mechanisms of redressal.
- Informal organizational culture that breeds informal power hierarchies that run in tandem with the formal. Without effective steps to gauge discontent and address it, schisms deepened and in some instances became irreparable.
- Impunity for perpetrators of sexual harassment and gender discrimination contributes further to a hostile work environment and also repeated acts of harassment with no serious consequences, thus causing further victimization.

Recommendations:

- *Ensure legal compliance with constitutional provisions and laws related to gender equity and sexual harassment.*
- *Enunciate a clear, unambiguous Policy to Combat Sexual Harassment at the Workplace.*
- *Institute organizational changes to incorporate the required provisions, for example inclusion of sexual harassment as misconduct in the service rules.*
- *Address confusion and conflict over chain of command as regards reporting and handling cases of sexual harassment.*
- *Possible revival of idea of Staff Council to represent issues faced by staff. Sexual harassment and gender discrimination to be included in its mandate.*
- *Annual internal and external audits to review measures related to prevention and redress of sexual harassment at the workplace.*

3. Inadequate Redressal Mechanisms

- The constitution of the Internal Complaints Committee was faulty, lacking in logic and democratic process.
- There was a lack of publicity about the ICC, where to send complaints, and the format and procedures of making complaints. A perception that the ICC was meant only for “serious” complaints (with no working definition of “serious”) led to gate-keeping by an untrained HR department.
- The functioning of the ICC was procedurally flawed and inquiry processes flouted the law as well as principles of natural justice.
- Lack of systematic maintenance of records, no institutional memory and data about repeat offenders.
- No clarity about the role, responsibilities and obligations of the ICC, both at the legal level and organizational level. No guidelines as to how to conduct an investigation on complaints; ICC perceived as arbitrary and unable to maintain confidentiality.
- HR department ill-equipped and untrained to deal with the complexities of gender discrimination, sexual harassment and bullying in a diverse workplace with large staff strength in different geographical locations. However, it abrogated to itself the task of handling complaints of sexual harassment instead of referring them to the ICC.

Recommendations:

- *Set up in a time-bound manner a new ICC in accordance with rules framed under the SH Act as well as a revamped organizational Policy to combat Sexual Harassment at the Workplace; ensure rotation of members and Chair.*
- *Ensure transparent and democratic election of members from among the staff, keeping in mind gender, diversity, hierarchy, geographical location, work description and commitment to women's rights.*
- *Institutionalize transparent and accountable functioning of the ICC in keeping with principles of natural justice and workers' rights.*
- *Careful selection of outside expert with feminist perspective and legal knowledge.*
- *Draw up a proforma for complaints and publicize the procedure for complaints.*
- *Ensure proper record keeping and submission of periodic reports.*
- *Hand book to guide the ICC in procedures to handle complaints.*
- *Regular trainings to ensure ICC members' awareness of procedural matters.*
- *Raise awareness about the ICC to encourage staff to come forward with complaints without fear of reprisal or victimization.*
- *Avoid arbitrary screening of complaints by publicizing a neutral ICC e.mail id. to receive complaints.*

4. Oversight and Checks and Balances

Inadequate oversight by the SMT and ED who are ultimately responsible for providing a conducive workplace.

No established channel of communication between staff and the Board.

Institutional failure includes a lack of cross-checks and oversights to identify mismanagement, lack of legal compliance, malafide intentions etc, runs from departmental heads to the Board.

Recommendations:

- *Regular and systematic oversight of the implementation of strategies to achieve gender equity and a workplace free from discrimination and sexual harassment*
- *Periodic and regular reports to the Board to include a section on gender and sexual harassment and the reports of the ICC.*
- *Institute channels of communication between staff and the Board.*
- *Institute an ombuds team to ensure implementation of policies and mechanisms with regard to gender equity and sexual harassment in accordance with the spirit and letter of the law. This team would benefit from one representative from the Board.*