

Keeping your off-site harassment-free

In the wake of the #MeToo movement, companies must ensure that work-related outings are safe for all employees

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Sohini Sen



Make sure that everybody attending the off-site is aware of the purpose and the specific expectations from them. Photo: iStock

While sexual harassment at the workplace is a broad term and continues to stay in the news—with the latest being 17,000 Google employees from 40 offices around the world staging a walkout to protest the way the company handles sexual harassment—there are many aspects that experts believe companies should start thinking about pre-emptively.

In fact, many sexual harassment cases happen at and/or following corporate off-sites, picnics, trips and parties, say experts. What makes people at these events more likely to indulge in practices which would be otherwise looked down upon? Is it that

everyone is “taking a break”? Or that “people need to relax” and when they are encouraged to let their hair down, they misinterpret their boundaries ?

Off-sites are viewed as fun days out as much as they are about team bonding and brainstorming. However, now it’s “incumbent upon the HR to set the context for an off-site and what are the intended objectives, besides touching upon the dos and don’ts”, says Francis Padamadan, senior director, Asia Pacific at KellyOCG, an outsourcing and consulting service provider.

Advocate Sonal Mattoo, an empaneled legal consultant with HT Media, says in her experience a large number of harassment cases are reported after parties and off-sites. “These are either about the conduct during parties or immediately after as the night progresses. Since any social event related to work falls within the definition of workplace, these are all under the ambit of the law,” says Mattoo.

Employees need to be sensitized on what constitutes sexual harassment, not just prior to off-sites but through the year

As per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act), a workplace extends beyond one’s office space, and covers events and parties that have been organized by a company which employees are required to attend .

Ajay Solanki, leader, labour and employment practice at Nishith Desai Associates, a research-focused law firm headquartered in Mumbai, agrees. “Out of the live situation-based cases that we have been seeing, quite a few of them have happened at the off-sites. Probably because of the informal setting which tends to give the employees a perception of a pseudo-social, casual environment.” The doctrine of extended workplace applies in such situations, he says. Considering off-sites are company-sponsored events, it is the employer’s obligation to keep this extended workplace safe, secure and free from sexual harassment.

Independent corporate lawyer Gargi Yadav shares one such case where in a company off-site, some employees were drinking. “But the ones who were not drinking were being forced to drink by their seniors and colleagues, asked to relax a bit and being made to feel uncomfortable. The employee in this case went up to their manager, but the person they complained about was someone who brought in a lot of clients, ” says Yadav. In such situations, adds Yadav, it is likely that managers do not want to get involved or take any action because it has an impact on the business. “But it is

important to call out the person, escalate it internally and give it in writing to the internal committee so that it can be dealt with in a proper way.”

Role of the off-site location provider

Smita Paliwal, senior associate at King Stubb and Kasiva, a Delhi-based law firm, points out that there have been a lot of cases of harassment and consensual sex as well, however when the relationship between the parties turns sour, there is a rush to press charges of harassment against the other party. She further suggests that the off-site location needs to be made secure, including the use of security cameras, so that such incidents do not happen. “However, in the event of such an episode, the role of the location provider is limited to only supplying of evidences and records of happening of such an incident, unless one of its employees has been involved,” she adds.

But, as Mattoo points out, hotels do not hand over CCTV footage. However, they will look at it and give you details of what has been captured, or in some cases, let the company officials view it.

The organizers (HR or administration or events team), who are in charge of managing on-ground logistics, should ensure that they take care of employees’ safety and security—specifically for women employees. “Companies should set guidance on amount of alcohol that can be consumed by any employee at any official gathering and events including off-sites,” says Rituparna Chakraborty, president, Indian Staffing Federation, an apex body of flexi staffing industry.

What can employers do?

In light of recent incidents then, does the responsibility of employers increase? Should they do away with off-sites? Chaperone employees so that no untoward incidents are reported?

More than policies, there is a need to sensitize employees on what constitutes sexual harassment, not just prior to off-sites but through the year. “Often POSH policies are framed and committees are set up on paper but there is no attempt to create awareness on the need for basic rules of consent. Sure too many policies and workshops may send wrong signals to employees who may feel they are being schooled on every aspect but it needs to be done,” adds Padamadan of KellyOCG.

While it is important to plan the agenda for the off-site and how it should be delivered on ground—it is also important to ensure that everybody attending the off-site is aware of the purpose and the specific expectations from the participants. “It is imperative for the leaders convening off-site to set the tone and agenda for the meeting, while enforcing the need for quorum, discipline and adherence to all policies. The tone from

the top is very important to ensure adherence to organization's policies and procedures on safety, security and harassment," adds Chakraborty.

As the age-old adage goes, says Solanki, prevention is better than cure. "Sensitize, educate, spread awareness and train employees on issues relating to sexual harassment," he adds.

Take these precautionary measures

- Place of event could be decided after consultation with employees, preferably women employees.
- Other than security measures, separate sleeping arrangements should be made for men and women employees. It is always better to assign at least two members to a room.
- Attendance at these events should not be made compulsory. If any of the employees is not comfortable, he/she should be excused.
- Pick and drop facility should be arranged.

—*Smita Paliwal, King Stubb and Kasiva*

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