



Centre For Transforming India

# **STATUS OF WORKPLACE SEXUAL HARASSMENT IN IT/ITES INDUSTRY**



## The Power Game: India’s first “Workplace Sexual Harassment Survey” reveals startling revelations.

88% of the female workforce witnessed workplace sexual harassment and more than 83% never reported due to fear of victimization.

New Delhi, India: In glaring finding nearly **88% of the female workforce** working in Indian **Information Technology and BPO/KPO companies** reported having witnessed some form of workplace sexual harassment during the course of their work.

- 88% of the female workforce suffered some form of Workplace Sexual Harassment
- 47% didn't have knowledge of how to report an incident
- Nearly 50% of sufferers were subjected to extreme forms of harassments like abusive language, physical contacts and request for sexual favors.
- 82% of the incidents occurred outside office
- 72 % of incidents were carried by superiors
- 91% feared victimization

The first of its kind **Workplace Sexual Harassment Survey** carried by India's leading NGO, **Centre for Transforming India** in the Information Technology and BPO/KPO industries has brought about some startling revelations about the status of implementation of Workplace Sexual

Harassment Policy within one of the most progressive industries of India. The survey carried with 600 female employees working in IT and BPO industry across all the major IT destinations of India revealed that there exists poor awareness levels among female employees on the issues and workplace sexual harassment and a majority of female employee continued with their ordeal of suffering from the incidents of sexual harassments due to fear of professional victimization. Another major finding of the survey was that more than 82% of the incidents which could be classified as sexual incidents occurred outside the boundaries of the office and in nearly 72% of the incidents the perpetrator was a superior to the victim.

Geographical Spread( Cities)	NCR, Bangalore, Pune, Mumbai, Chennai, Hyderabad	
Sample Size	600 female employees( 100 in each region)	
Age Group	19-45 years	
Corporate Hierarchy Breakup (in %)	Junior Mgmt	40
	Middle Management	30
	Senior Management	30
Company Breakup (in %)	Large Companies( Turnover More than INR 250 Crs )	50
	SME( Turnover less than INR 250 Crs)	50
Industry Breakup (in %)	IT	50
	IteS/BPO/KPO	50

Commenting on the findings **Pankaj Sharma, Chief Trustee, Centre for Transforming India** stated that the findings should be an eye opener for the corporate and government. With a growing mixed workforce it

- Certain High profile cases of Workplace Sexual Harassment and Results within IT/ ITeS Industry
- ✚ Sacking of Mark Hurd, C.E.O from Hewlett Packard. Hurd settled the issue personally with the claimant
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is extremely important that not only good policies to counter cases of workplace sexual harassment be put in place but also awareness and confidence inculcating modules to be put in place. The biggest problem today is **not merely of poor policies but also trained manpower to handle cases of workplace sexual harassment and lack**

**of commitment of industry captains to accord due importance to issues of workplace sexual harassment in their organizational agendas.**



It's extremely important that practical aspects of such cases are taken into consideration and inclusion of new methods of enforcements and occurrence identification be utilized. An important point of consideration is that if such is a scenario in IT/BPO industry which has been at the forefront of addressing the issue then one can imagine situation in other industries.

He further stated that the offences of such nature tantamount to **criminal, human & civil right offences as the victims suffer from multiple parameters and is continued to face the ordeal in absence of any concrete rederrsal mechanism being extended to them by the systems in which they operate** . He elaborated that though the government is introducing "Sexual Harassment in Workplace Bill" yet the important aspect is maintain gender neutrality and instilling confidence in the minds of the suffers so that they come forward and bring to task the perpetrators of such incidents.

#### **About Centre for Transforming India**

Center for Transforming India is a registered trust formed with the vision to effectively create social harmony and further the growth of India. Promoted by a professional whose previous stint includes being consultant with Govt. of India and with industry body NASSCOM. The importance of work is now recognized globally with Indian government, international think tanks and peer organizations taking cue from our work.

Its Chief Trustee, Mr Pankaj Sharma has recently been invited to the prestigious International Visitor Leadership Program( past alumni include Dr. Manmohan Singh, Late Smt Indra Gandhi, Sh. Atal Bihari Vajpayee, Nicholas Sarkozy( French President), etc) by the US Government for his public policy work and share his experience with leading government luminaries, students and academia of global universities like Stanford and leading US corporations on role of developing economies in the future economic landscape.

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## STATUS OF WORKPLACE SEXUAL HARASSMENT IN IT/ITES INDUSTRY OF INDIA

**Background:** Workplace Sexual Harassment has been emerging as a critical challenge for female employees working across industries, especially in the Service sector. While the manufacturing industry is largely regulated in terms of its working environment, there exists little or no framework for reference for the service industry (a majority of which still operates under the respective States Shops and Establishment Acts). Furthermore, the service industry faces a critical challenge of providing 24x7 service, which entails working in odd hours for the female employees and also other professional and personal challenges. Such a situation thus provides an apt opportunity for the occurrence of incidents which could be qualified as cases of "Workplace Sexual Harassment". Sensing such a challenge, the Information Technology and the Information Technology Enabled Services Industry (IT/ITeS Industry) was one of the first industries to develop some sort of policy framework to address such issues within their industry.

The researchers at the University of Michigan found that Nine in ten women, have suffered some form of sexual discrimination at the workplace. Ten per cent of the women surveyed had experienced the most severe form of harassment, in which they were promised promotion or better treatment if they were 'sexually cooperative'.

However, the critical challenge that lay in front of all stakeholders, including the employees, organizations, and law enforcement and other related organizations, is the definition and constituents of the term "Workplace Sexual Harassment".

[The study is published in Springer's journal of Law and Human Behavior.](#) (Click on the text to read full report)

The closest definition has been defined through Article 51A (e) of the Indian Constitution, which states that

### Certain High profile cases of Workplace Sexual Harassment and Results within IT/ ITeS Industry

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"every citizen by way of fundamental duty the responsibility to renounce practices derogatory to the dignity of women". The precedence of the acts of sexual harassment was further defined by the Honorable Supreme Court of India in the case of Vishaka and Ors. Vs. State of Rajasthan & Ors., AIR 1997 SC 3012, wherein the word 'sexual harassment' was

defined as under:

"Sexual harassment includes such unwelcome sexually determined behavior whether directly or by implication, as:

- ✚ Physical contact and advances;
- ✚ Demand or request for sexual favors;
- ✚ Sexually colored remarks;
- ✚ Showing pornography;
- ✚ Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

However, there exists a critical challenge for the sake of addressing such incidents. The basic dilemma that remains prominent is whether the acts of Sexual Harassment be treated as a violation of Basic Human Rights of a female employee or should be treated differently.

Given the socio-economic framework of India, it becomes extremely difficult for a female employee to take appropriate or mandated steps to get a satisfactory redressal of such incidents. While several IT companies have put some sort of mechanism in place for dealing with cases of sexual harassment, yet they solely lack the spirit of strict adherence. Many of these policies are decades old and have not been revised since. A majority of such policies were never framed with due stakeholder consultation and thus their content and fabric lack a concrete implemental framework. It is important to note here that while the IT/ITeS industry has advanced a lot in past decade and has one of the largest working women workforce today, its workplace sexual harassment policies to some extent clearly reflect upon such a dynamic in their very fabric.

Pressurized by the Western Legal System and redressal mechanism, both the Indian and the MNC IT/ITeS companies had addressed incidents in their western offices; however, their Indian offices failed to follow a system of parity for their Indian operations.

The current report analyses the status of Workplace Sexual Harassment in IT/ITeS industry from the perspective of employees and is based on socio-economic and corporate aspects dealing with issues of understanding of the general landscape of the domain, important issues like corporate commitment, awareness of employees and challenges in terms of policy implementation, methodologies of grievance handling, implementation bottlenecks, etc.

#### Methodology

The survey was carried out through primary data gathering and interaction with female employees working in IT/ITeS Industry. The details of the survey universe is as under

Geographical Spread (Cities)	NCR, Bangalore, Pune, Mumbai, Chennai, Hyderabad	
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Industry Breakup (in %)	IT	50
	IteS	50
Gender Breakup (in %)	Female	100

The survey questionnaire was designed to understand the below-mentioned aspects.

- ✚ The generic universe of the sexual harassment incidents being faced by the employees
- ✚ Nature and type of workplace sexual harassment incidents
- ✚ Analysis of existing methodologies of handling workplace sexual harassment incidents
- ✚ Levels of awareness
- ✚ Grievance lodging, handling and disposition mechanism of the IT companies
- ✚ Commitment of management and other stakeholders in progressively addressing the issue at large

**FINDINGS**

The important aspects of the survey discussed in great detail the realms of understanding the issue of highlighting corporate policies for handling issues and mechanisms of Workplace Sexual Harassment. In this context, the research was carried out to address levels of awareness in workplace sexual harassment policies by the IT/IteS Industry. It was observed that 60% of the respondents were not aware of the Workplace Sexual Harassment Policies of their respective organizations. Around 10% were partially aware of the policies, which is a glaring observation, given the fact that IT/IteS Industry has been at the forefront of devising such policies. The low levels of awareness in retrospective have a great impact on the very process of handling the incidents of workplace sexual harassment.

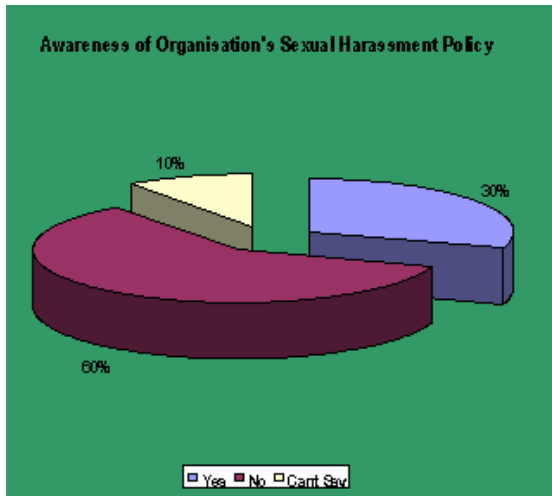


Figure: 1

The low levels of awareness about Workplace Sexual Harassment Policies also stemmed from the fact that such policies and their education was not considered an integral part of the hiring process. Workplace Sexual Harassment policies are considered more of a cliché than an integral part of the human resource process of the organization; hence they were more reactive in nature and were activated only in case of the occurrence of an incident. However, the lack of knowledge from the initial stage itself was found to be a key stumbling block in progressively handling such cases. Lack of knowledge on part of the victim

also created a critical challenge for the victim to get proper redressal of the same. Of all the respondents, 77% stated that the details of Sexual Harassment Policies were not part of their hiring process, while only 7% stated that they could recollect some discussion about the topic either during their hiring process or later.

**Awareness of Organisation's Sexual Harassment Policy**

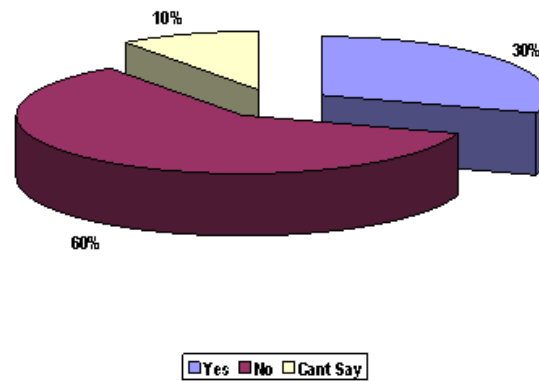


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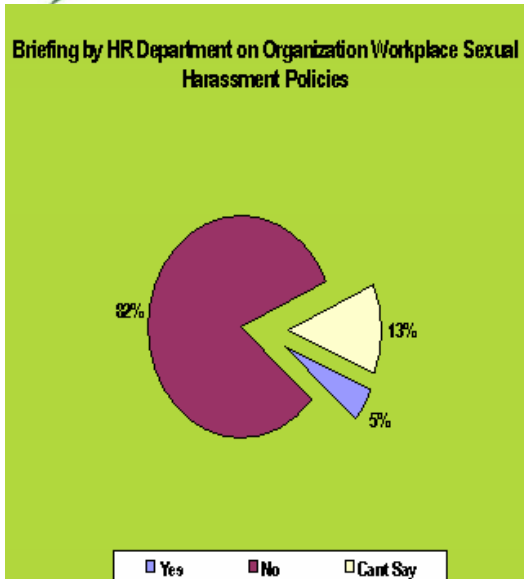


Figure: 3 of a growing female workforce within the industry, which is more susceptible to cases of sexual harassment.

Another important aspect worth observing was that the employees were never comprehensively briefed on either the overall policy that the organization adopted or the methods of grievance redressal. Nearly 82% of the employees said that the policy was never briefed comprehensively to them and that they were never told as to what steps they could take in case they witness such an incident. This clearly reiterates the earlier findings about Workplace Sexual Harassment Policies and their implementation and relative importance in the overall human resource framework of companies. Employees' low levels of awareness about Workplace Sexual Harassment Policies also led them to face certain critical challenges in creating a progressive framework implementation of such policies. It is worth noting here that the low level of importance accorded to these policies needs to be looked at in the present scenario

An important revelation was that employees who were aware of the sexual harassment policies and were, at some time, briefed about the policy, didn't get such a briefing in the recent past; nearly 88% of those who knew about the policy had not been briefed in the past one year (a considerable time period). This revelation further implied that the workplace sexual harassment policy has remained more or less static in the recent past. Only 3% of the employees surveyed mentioned that more than twice there had been some discussion about such issues in the past one year.

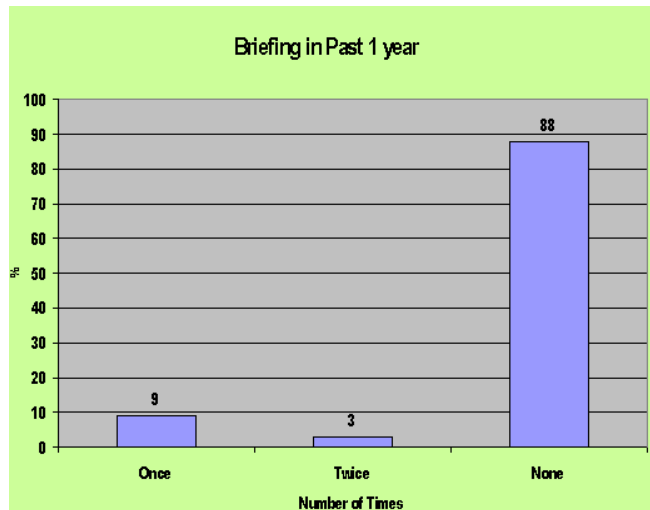


Figure: 4



The low levels of awareness about Workplace Sexual Harassment Policies also posed a critical challenge to the reporting of such incidents. About 69% of the employees (all females) had no knowledge about the reporting and grievance redressal mechanism for such cases. This clearly stems from the fact that they were never briefed about such support systems, which had been put in place to tackle such incidents. Also, no proactive mechanism was followed by their

Figure: 5 organizations to aware employees about the existence of such systems. A statistical point worth mentioning pertains to the awareness among 21% of the employees, who were aware of some sort of system, which if seen in the light of percentage of aware employees (Figure 1, 30%) clearly illustrates that there existed certain degree of knowledge gap between the aspects of awareness about workplace sexual harassment policy and exact knowledge of the redressal mechanism.

Nearly 77% of the respondents were not aware about the method that needs to be adopted for reporting incidents of sexual harassment. This clearly reiterates the earlier findings about the lack of reporting

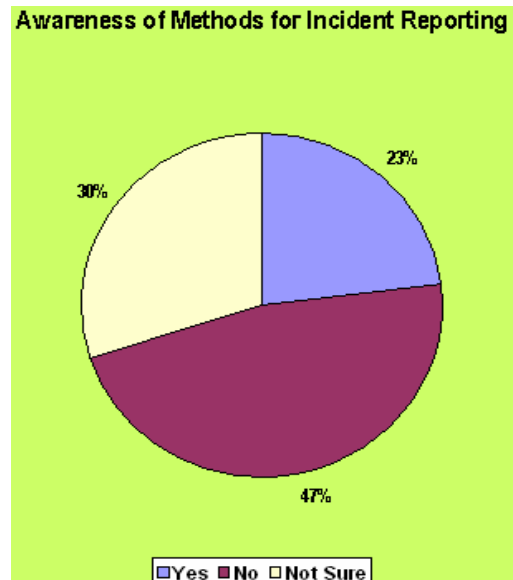


Figure: 7

reporting methodology also increases the susceptibility of female employees who are the most prominent victims of such incidents.

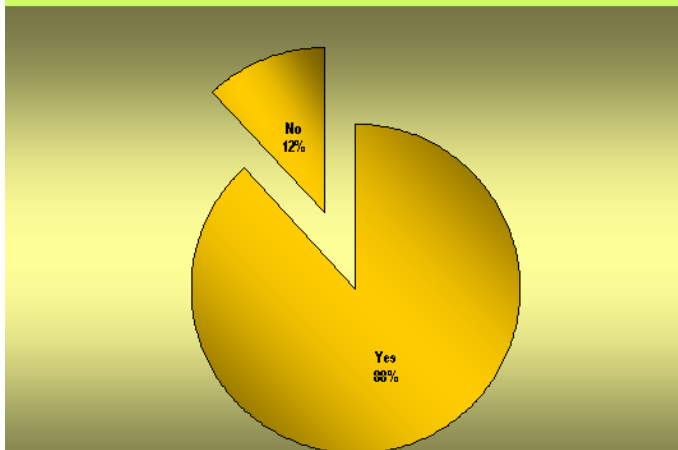
Figure: 6 knowledge about incidents of sexual harassment. Two important aspects of reporting mechanism are process and methodology; both showed similar levels of awareness among employees, thus posing a critical challenge both in terms of content and implementation of the workplace sexual harassment policies within the information technology industry.

The lack of reporting methodology is also a crucial data point, given the challenges faced by the employees who have been subjected to incidents of sexual harassment within the organization. Lack of knowledge about the

Most of the organizations within IT/ItES industry have vaguely defined the reporting mechanism for victims. Though the system and mechanism entails reporting directly to the seniormost people within the organization, there exists no mechanism for immediate relief to the victim who, most of the times, was junior within the corporate hierarchy and hence had limited mechanism and methodology to access the grievance redressal system that exists within the organization.

Nearly 88% of the employees stated that

**Subjected to some or multiple incidents of Sexual Harassment**



**Type of Behavioral Disposition**

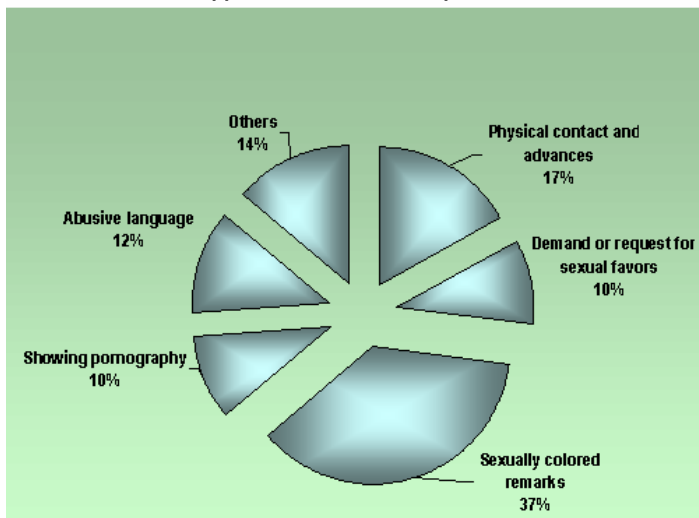


Figure: 9

be classified as sexual disposition between colleagues at various levels.

they had witnessed or had been subjected to some sort of actions which could be termed as sexual in nature. These include various actions mentioned above, though the degree of such actions might vary from person to person. But, in general, the respondents agreed that sexual advances and sexually colored behavior tends to form part of the normal professional behavior within organizations. The vagueness that blemishes the corporate definition for sexual harassment might be different amongst organizations, yet the respondents were clear as to what could

Figure: 8

Usage of sexually colored remarks, physical contacts, sexual advances, and usage of abusive languages were the most prominent sexual dispositions displayed by the alleged perpetrators of sexual harassment. Other prominent dispositions were showing pornographic material to the victim, which given the Indian social led to extreme sexual harassment for a female set up. It is important to state that while some of the behavioral dispositions were easy to be tracked and categorized, several of them, including the most prominent ones like sexually colored remarks, were hard to comprehend and prove.

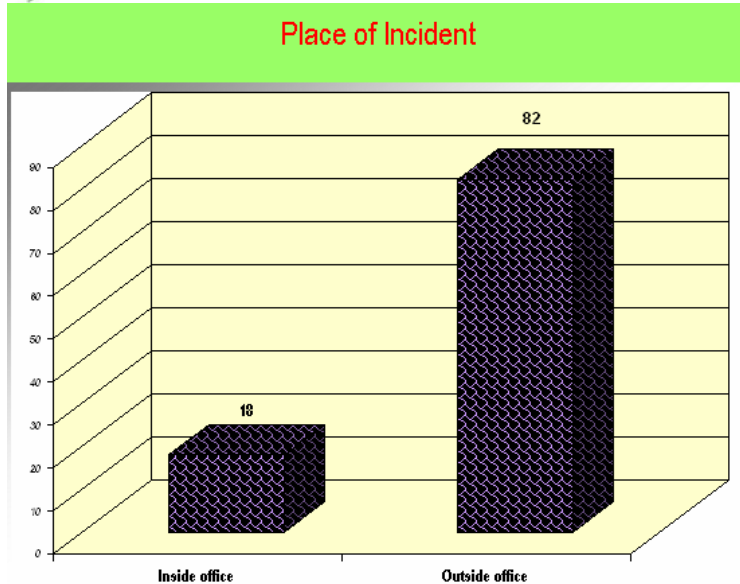


Figure: 10

While the very basic definition of “Workplace Sexual Harassment” tends to limit itself by covering incidents that have taken place within the official boundaries of office, an important revelation was that nearly 82% of the incidents took place outside the office boundaries. Such a scenario indeed posed an interesting dilemma for the enforcement mechanism whether to treat any incident of sexual disposition as professional misconduct or personal misconduct, given that both the

perpetrator and the victim are adults. It must be noted that often it becomes difficult for the victims of such crimes to establish concrete relationship between personal and professional dispositions. An important observation of Workplace Sexual Harassment Policies of major IT companies clearly revealed that the place of offence is not mentioned in the policy implementation framework.

The next important understanding is the identification of perpetrator of incidents of sexual harassment. The identification process is an important aspect as it has direct relationship with the pursuant policies and their implementation. A majority of sexual harassment acts were committed by immediate superiors, and those who were senior to the affected employees (nearly 72%). It is also worth noting here that most of the sexual harassment policies reviewed in the course of this survey only had a bottom up structure, creating an important challenge in terms of maintaining neutrality of the system.

### Sexual Harassment Perpetrator

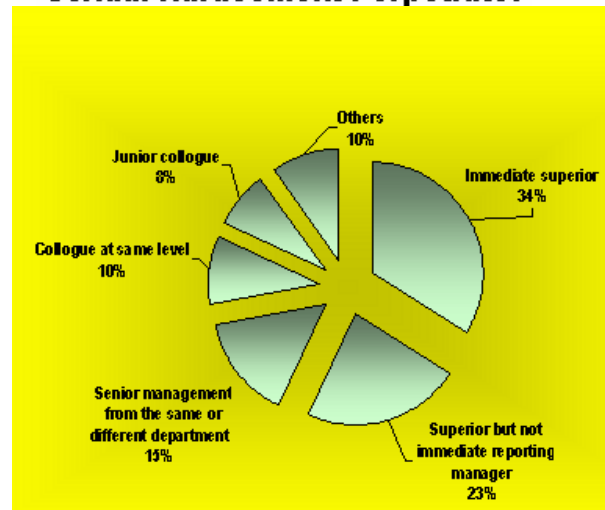
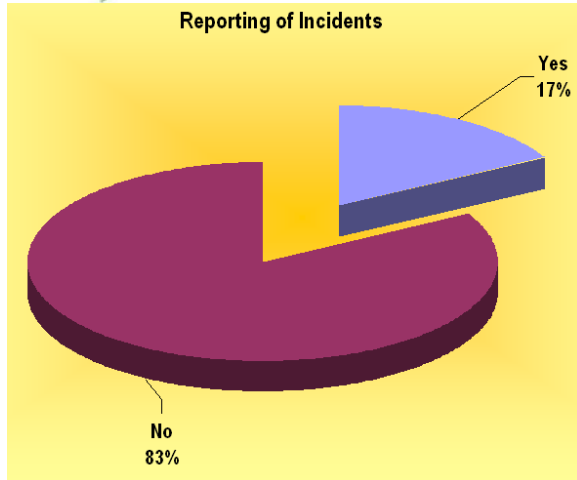


Figure: 11



The low level of confidence and the corporate hierarchy of the perpetrator acted as a key deterrent against the reporting of incidents of sexual harassment by the female employees: 83% of the respondents never reported the incidents of sexual harassment, thereby defeating the very purpose of putting in place a system for handling such cases. This particular aspect needs to be considered in light of low levels of awareness among female employees about the methods of lodging a grievance. Another important aspect worth considering (covered later) is the fear of victimization (any or multiple types), which also acted as a key deterrent for the reporting of such

Figure: 12 incidents.

In their first response, nearly 45% of the victims feared that they will be professionally victimized if they reported the incidents of sexual harassment, while nearly a third of victims feared social victimization in case of reporting. 18% of the victims felt that that the behaviors of sexual disposition are part of professional life; thus they didn't feel the need for the escalation or resolution of such cases. An important observation here is that while the dispositions of non extreme behavior (occasional sexually colored remarks, etc) were often

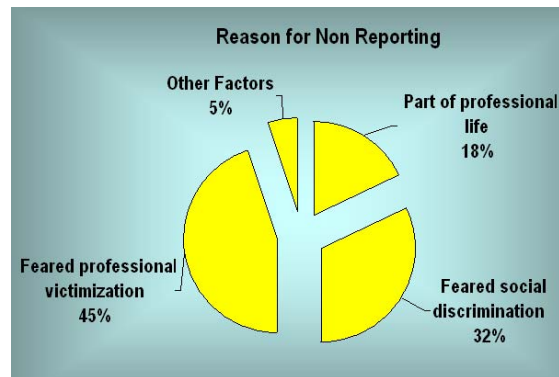


Figure: 13

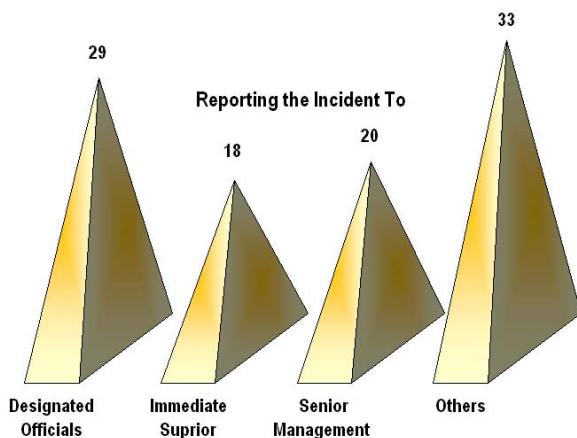
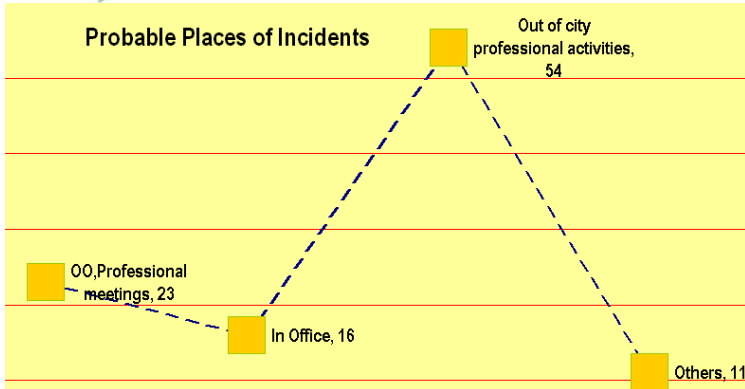


Figure: 14

is concerned, a small number of respondents gave their approval for reporting. Another important angle from the perspective of occurrence was the probable places of occurrences of such incidents.

not considered an apt case for resolution from the victims' end, the defined extreme dispositions like demand for sexual favors, etc were considered to be worth escalating. A similar response was witnessed during the reporting of incidents of sexual harassment. Nearly 1/3<sup>rd</sup> of the respondents stated that they would prefer to report and discuss with their immediate colleagues and peers, if ever subjected to sexual advances. An equal number of respondents also stated that they would report the same to the designated official, if any. As far as reporting to either immediate superiors or senior management (in case they were not perpetrators)



As stated above, nearly 82% of the cases of sexual disposition occurred in places outside office. This was clearly reflected in the response of the surveyed group. More than half of all the incidents occurred or could occur during professional activities held out of city like conferences, meetings, etc. Nearly 16% of the incidents occurred during the office hours. It is important to state here that the incidents of

Figure: 15

sexual disposition and those leading to incidents of sexual harassment were taken in totality and that no difference was considered among different types of sexual harassments. Close to half of the respondents stated that their grievances were not handled in the manner they had expected. This point further reiterates the issues of implementation and the very definition of the act committed. As stated above, the potential threat of victimization also loomed large over the implementation of sexual harassment policies within the organization, if the perpetrator held a very senior level in corporate hierarchy. However,

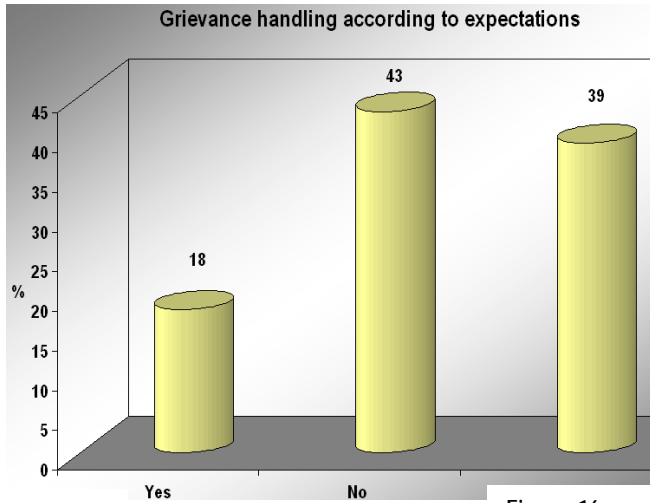


Figure: 16

an equal number of respondents were also partially satisfied in their grievance redressal system; thereby implying that there might be certain operational bottlenecks, which, if corrected, could further improve the system.

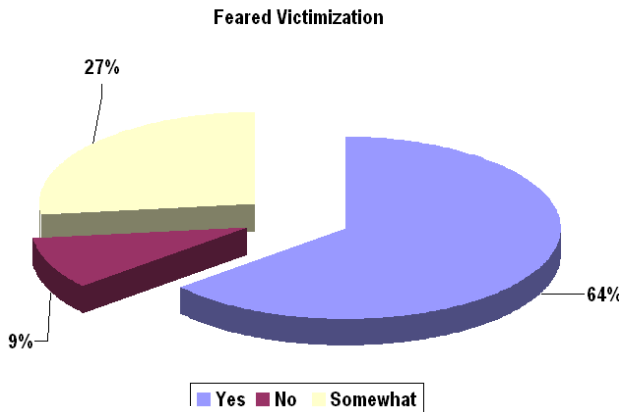


Figure: 17

they reported the incident or escalated the incident in case of non satisfaction with the redressal. 27% of the respondents felt that they might be susceptible to some kind of victimization but were not clear about the nature of such victimization or the bearing that it could have on their professional and personal life.

Nevertheless, this factor needs to be looked at in light of the fear of potential victimization that could be subjected towards the victim of sexual harassment. 64% of the respondents felt that they could be subjected to victimization in case

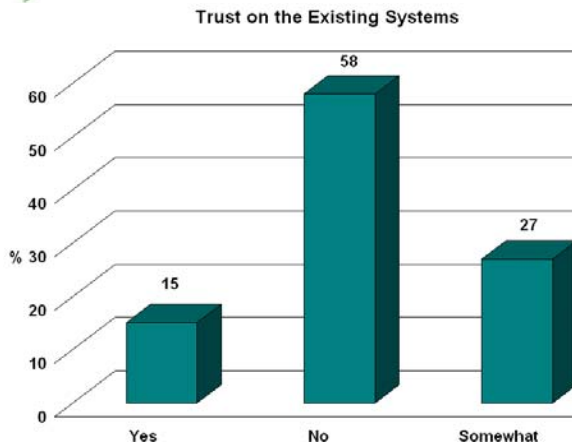


Figure: 18 Trust on the Existing Systems

Several important aspects of the findings also pertained to the aspects of trust that the female employees had on the current system of grievance redressal. 58% of the respondents held little trust on the existing systems. Respondents felt that people responsible for managing the grievances are not qualified enough and have little or no understanding of the exact condition of a person going through workplace sexual harassment. Such cases are often treated simply as a HR issue, while their emotional and stressful impact on the victim's

psyche are completely ignored. There exists little or no progressive consulting format within the organizations which can address this issue. The HR personnel have little or no knowledge on the important aspects of psycho-social counseling and mentorship. The respondents also felt that some important aspects like incidents occurring outside offices were often not covered under the purview of workplace sexual harassment and hence a majority of cases were deliberately pushed outside the system of address.

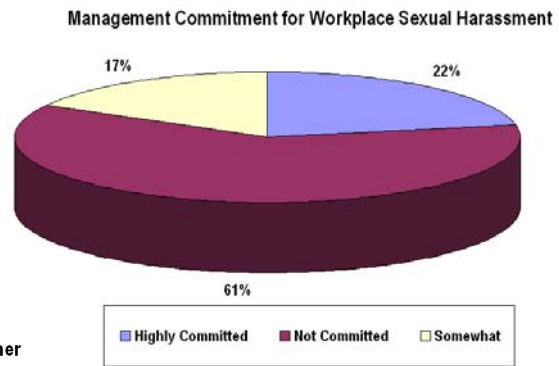


Figure: 19 Management Commitment for Workplace Sexual Harassment

Furthermore, a majority of respondents felt that the agenda of workplace sexual harassment enjoys extremely less buying from the top management, which is not committed enough to address the issue in a progressive manner. This fact can also be reflected through the lack of awareness-centric endeavors, allocation of various resources by the management, and low levels of satisfactory resolution of such incidents. 61% of the respondents felt that Workplace sexual harassment agenda is not part of the core HR

Ease of differentiation between workplace sexual harassment and other forms of professional harassments

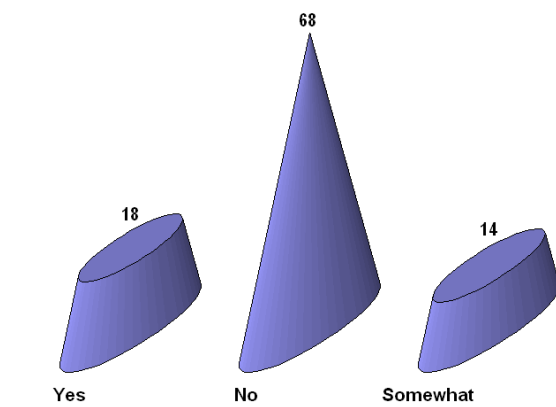
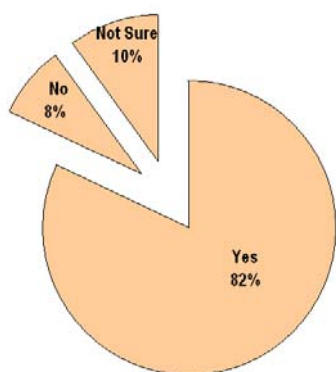


Figure: 20

policies and is thus accorded little importance both by the management and the HR Departments.

Another challenge that the respondents felt also pertained to clearly differentiating workplace sexual harassments with those of professional harassment.

**Inclusion of Out of Office Incidents within framework of Workplace Sexual Harassment Policy**



The respondents felt that the disposition of professional harassment by seniors or peers might be due to some form of sexual harassment. The victims of workplace sexual harassment also observed difficulty in conveying the same as there could be certain differences on opinions and perception of individuals. A certain form of behavior was treated as normal within some corporate environments or organizations. The partial or non inclusion of incidents was a major concern area for the respondents. The

**Figure: 21** respondents felt that often such incidents are treated as acts occurring among two adults and thus categorized under personal actions, thereby compromising on the very definition

of workplace sexual harassment incidents. More than 2/3<sup>rd</sup> of the respondents (82%) agreed that since most of such incidents occurred outside the office, incidents occurring outside office should thus be an integral part of workplace sexual harassment policies and its implementation framework. With the inclusion of out of office incidents, the respondents felt that the system will improve in terms of its response and agility. The incidents of workplace sexual harassment found a close

**Top Associative conditions of word Workplace Sexual Harassment number in %**



association with the fear of professional victimization, which is a major reason why both the victims as well as IT/ITeS organizations are finding it extremely difficult to address this issue, which is of extreme importance to their female workforce.

**Figure: 22**



### QUESTIONNAIRE

Personal and demographic details  
Professional details  
Level of Hierarchy of Employees

1. How long have you been working in your current organization

Less than a year	Between 2-3 years	More than 3 years

2. Are you aware of the Workplace Sexual Harassment Policy of your organization?  
Yes No Cant Say

3. Does your appointment letter or other induction material provided to you at the time of induction /appointment had details about Workplace Sexual Harassment Policy of the Company?  
Yes No Cant Say/ Don't Remember

4. Have you ever been briefed by your HR Manager/HR Department/Senior Management on Workplace Sexual Harassment Policy of the company?  
Yes No Cant Say/Don't Remember

*If your answer is yes then proceed to Question 5 else proceed to Question 7*

5. If Yes for Q.4, how many times have you been briefed about the policy in the past 1 year?  
Once Twice None

6. Do you know whom to report in case of any case of workplace sexual harassment?  
Yes No Maybe

7. Are you aware of various methods through which you can report the actions mentioned above for resolution of your grievance?  
Yes No Not sure

8. Are you clearly aware of whom to report in case of any incident of workplace sexual harassment?  
Yes No Not sure



9. Have you ever come across / observed the below mentioned actions for yourself or any of your colleagues (kindly tick mark the relevant option and also state if the actions have taken place within or outside the office premises.) Use WO= Within Office and OO= Outside Office

Action	Yes	No	Place
Physical contact and advances			
Demand or request for sexual favors			
Sexually colored remarks			
Showing pornography			
Abusive language			
Any other unwelcome physical, verbal, or non-verbal conduct of a sexual nature			

If you have answered yes to any of the above, who was the perpetrator of the action mentioned

10. If yes then who was the alleged perpetrator of the incident?

Immediate superior / Reporting manager	
Superior but not immediate reporting manager	
Senior management from the same or different department	
Colleague at same level	
Junior colleague	
Others (please mention details)	

11. Did you report the incident to anyone within the organization?

Yes No

If your answer is yes then proceed to question 13 else proceed to question 12

12. If No, why did you not report the incident?

- Part of professional life
- Feared social discrimination
- Feared professional victimization
- Cant say/other

13. If yes, did you report the incident to (tick the relevant)

- Person designated to handle such cases
- Immediate superior/manager if the offence was not committed by him/her
- Senior Management
- Others



14. If you have answered more OO( out of office) for the incidents of Workplace Sexual Harassment, kindly mention the most likely place of occurrences
- During out of office professional meetings
  - Travel with the perpetrators
  - Out of city professional activities
  - Others
15. Were your grievances handled in accordance with your expectations?
- |     |    |          |
|-----|----|----------|
| Yes | No | Somewhat |
|-----|----|----------|
16. Did you fear some sort of victimization disposition / stress of any nature as a result of your reporting the incident?
- |     |    |          |
|-----|----|----------|
| Yes | No | Somewhat |
|-----|----|----------|
17. Do you feel that the current system of handling such grievances within your organization is stringent enough for reducing such incidents?
- |     |    |          |
|-----|----|----------|
| Yes | No | Somewhat |
|-----|----|----------|
18. Do you think that the management and the current system is committed enough to reduce such incidents within the organization?
- |     |    |          |
|-----|----|----------|
| Yes | No | Somewhat |
|-----|----|----------|
19. Do you think it is easy to differentiate acts of workplace sexual harassment and other forms of professional harassments?
- |     |    |          |
|-----|----|----------|
| Yes | No | Somewhat |
|-----|----|----------|
20. Do you think that actions of sexual harassment which have been committed outside the office premises should be an integral part of the workplace sexual harassment grievance handling process?
- |     |    |          |
|-----|----|----------|
| Yes | No | Not sure |
|-----|----|----------|
21. Please tick relevant (top condition when you think of the term *workplace sexual harassment*)
- Social victimization
  - Professional victimization
  - Others
22. What important steps do you think should be taken by your organization for improvement of the system of handling cases of workplace sexual harassment? ( Pls illustrate)