

## **Mechanisms of gender based grievances and issues**

### **1. Apply the Platinum Rule**

While the golden rule states that you should treat others as you want to be treated, the platinum rule states that you should treat others as *they* want to be treated. How does this relate to sex discrimination? When an employee submits a complaint Management should listen carefully and then ask specific questions such as:

- Which witnesses should I interview?
- Assuming I conclude that your complaint is legitimate, what discipline do you feel is appropriate?
  - Is a written warning sufficient?
  - Can you continue working with the harasser?
- What information can I share with the harasser about your complaint?
- Are you concerned about other employees finding out about your complaint?
- What can I do to protect you while we investigate?

Management should send a letter or email to the employee summarizing their allegations and confirming what the employee wanted to happen. The employer can often give the employee exactly what they want by issuing a written warning to the harasser and informing the employee that the harasser has received a warning not to engage in that kind of behavior again.

Applying the platinum rule makes the employee feel empowered and heard.

### **2. Routinely Update Anti-Discrimination Policies**

Employers should have an experienced employment attorney review and update their anti-discrimination policies on a regular basis. The LGBTQ community has recently been very successful in gaining new legal protections through both state and city laws, as well as favorable court decisions that broaden the scope of Title VII of the Civil Rights Act of 1964.

### **3. Provide Regular Training to Employees**

Employees should be required to attend regular training courses about what discrimination is, to whom reports of discrimination should be filed, and what to do if they witness discriminatory behavior. Besides the obvious—don't discriminate against anybody—advice given at every training course, employers can provide employees with what is known as bystander training. Bystander training teaches employees what to do when they witness discriminatory behavior.

### **4. Provide Separate Training for Management**

Employees need to be able to recognize discrimination and know how to report it, but management needs to be able to appropriately respond to complaints of discrimination. It is therefore recommended that employers provide separate management training that focuses on best practices for responding to complaints of discrimination. Managers need to receive regular training and guidance on the most recent practices for improving working conditions and preventing discrimination, including bystander training.

### **5. Don't Let the Small Things Slide**



Companies should document all complaints and concerns, no matter how minor. Research shows that when companies start to let the small things slide, it opens the door for more severe behaviors to enter the workplace. Knowing that the small stuff will be addressed, helps eliminate it.

#### **6. Proportional Consequences**

Most victims of harassment don't want the harasser to be fired – they just want the harassment to stop. Employers should therefore make it clear that their goal is to eliminate harassment in the workplace, not to immediately terminate. Employees will feel much more comfortable complaining of harassment when they understand there will be proportional consequences and the harasser won't lose their job over the complaint. Employers should, however, make it clear to all parties involved that if the harasser continues with the offensive behavior, then they will be terminated.

#### **7. Promote Gender Equality in Management Roles**

Studies show that when there are more women in management and leadership roles there are fewer claims of sex discrimination and a more equal balance in pay among men and women. Having more women in management will build a more collaborative work environment, likely foster more mentoring, can provide a boost in financial performance and bring a different communication style.

#### **8. Document Everything**

Employers should document all complaints of discrimination and their response to each complaint. There should be clear documentation about which witnesses were interviewed, what each said, as well as when and what remedial actions were taken. The best practice is to send the victim a letter or email summarizing (i) what actions the employee wanted to happen, (ii) what actions the employer took, (iii) reasons—if any—for why the employer did not take certain actions requested by the employee, (iv) an assurance that the employee will not be retaliated against, and (v) an assurance that if they do suffer retaliation or other harassment.

#### **9. Designate Several Individuals to Receive Complaints**

Many employers designate only one or two people to receive complaints of discrimination or harassment. That can be a bad idea because if those individuals are the ones doing the harassing, then the employee cannot be expected to complain to those individuals. When several people are designated to receive complaints of harassment, the employee is more likely to feel comfortable filing a complaint. Employees may be nervous to file a complaint with the President of the company or an HR representative they barely know. They're far more likely to report their concerns to their immediate supervisor or a supervisor in another department.

#### **10. Consult Legal Counsel**

When issues arise in the workplace, it is always a good idea to consult an experienced employment attorney. While employment law can be very complicated for an employer, getting a professional's opinion can help establish best practices and ensure compliance with the law.

**Being proactive, having a policy in place, educating your employees and seeking experienced legal counsel will help insulate companies for sexual harassment and discrimination claims.**



## Workers Responsibilities

1. obey a lawful, reasonable order within the terms of the contract of employment,
2. serve faithfully,
3. cooperate with the employer,
- (4) perform duties with proper care and diligence,
- (5) account for all money or property received,
- (6) indemnify the employer in appropriate cases, and
- (7) Not to misuse the confidential information acquired while in service.
8. Read the workplace safety and health poster at the jobsite.
9. Comply with all applicable Main safety standards.
10. Follow all lawful employer safety and health rules and regulations, and wear or use required protective equipment while working.
11. Report hazardous conditions to the employer
12. Report any job-related injury or illness to the employer, and seek treatment promptly.
13. to personally do the work they were hired to do
14. to do their work carefully and seriously (In some cases, they could be fired or disciplined if they're often late for work, or if they're absent too often or for no good reason.)
15. To avoid putting themselves or others in danger
16. To follow their employer's instructions (There are some exceptions. For example, if an employer asks an employee to do something dangerous or illegal, the employee doesn't have to.)



## **What is a Code of Conduct?**

An employee code of conduct includes expectations and defines acceptable behaviors. It differs from a code of ethics in that it contains information pertinent to the individual and their behavior on the job, but may contain detailed offshoot information from the company's ethics code. Many companies require the employee to sign the code of conduct, at which point it becomes a legal agreement between the employer and employee. A copy is kept in the employee's file for documentation if necessary.

## **Purpose of a Code of Conduct**

The purpose of a code of conduct is to develop and maintain a standard of conduct that is acceptable to the company, its vendors, customers and other employees. Although they will differ from industry-to-industry, the conduct code includes behavior guidelines that are consistent with company policies and reflect how the company perceives its image. It also serves to remind the employee of what is expected of them, and that their actions, appearance, conduct and demeanor will affect the company and their career.

### **1. Be inclusive.**

We welcome and support people of all backgrounds and identities. This includes, but is not limited to members of any sexual orientation, gender identity and expression, race, ethnicity, culture, national origin, social and economic class, educational level, color, immigration status, sex, age, size, family status, political belief, religion, and mental and physical ability.

### **2. Be considerate.**

We all depend on each other to produce the best work we can as a company. Your decisions will affect clients and colleagues, and you should take those consequences into account when making decisions.

### **3. Be respectful.**

We won't all agree all the time, but disagreement is no excuse for disrespectful behavior. We will all experience frustration from time to time, but we cannot allow that frustration become personal attacks. An environment where people feel uncomfortable or threatened is not a productive or creative one.

### **4. Choose your words carefully.**

Always conduct yourself professionally. Be kind to others. Do not insult or put down others. Harassment and exclusionary behavior aren't acceptable. This includes, but is not limited to:

- Threats of violence.



- Discriminatory jokes and language.
- Sharing sexually explicit or violent material via electronic devices or other means.
- Personal insults, especially those using racist or sexist terms.
- Unwelcome sexual attention.
- Advocating for, or encouraging, any of the above behavior.

## **5. Make differences into strengths.**

We can find strength in diversity. Different people have different perspectives on issues, and that can be valuable for solving problems or generating new ideas. Being unable to understand why someone holds a viewpoint doesn't mean that they're wrong. Don't forget that we all make mistakes, and blaming each other doesn't get us anywhere. Instead, focus on resolving issues and learning from mistakes.

## **6. Dress code.**

A professional appearance is important when employees work with customers or potential customers. Employees should be well groomed and dressed appropriately for the business and for their position.

## **7. Internet usage**

Our corporate internet connection is primarily for business. But, you can occasionally use our connection for personal purposes as long as they don't interfere with your job responsibilities

## **8. General harassment and sexual harassment.**

This company is committed to providing a work environment free of discrimination and unlawful harassment. Actions, words, jokes, or comments based on an individual's sex, race, ethnicity, age, religion, or any other legally protected characteristic are not tolerated.

## **9. Attendance and punctuality.**

Employees are expected to be regular and punctual in attendance. This means being in the office, ready to work, at starting time each day. Absenteeism and tardiness burden other employees and the company

## **10. Friendships at work**

Employees who work together may naturally form friendships either in or outside of the workplace. We encourage this relationship between peers, as it can help you communicate and collaborate. But, we expect you to focus on your work and keep personal disputes outside of our workplace.

### **11. Anti-bribery and corruption.**

A company's integrity is essential for maintaining trustworthiness and reputation. Employees should always do their work fairly, honestly, and legally.

### **12. Absence without notice.**

Employees who are unable to work due to illness or an accident should notify their supervisor. This allows the company to arrange for coverage of their duties and helps others continue to work in their absence. If an employee does a report for work and the company is not notified of an employee's status for 3 days, it is typically considered a job abandonment.

### **13. The work environment.**

Employees should act with integrity, comply with laws, maintain a professional work environment and comply with company policies. They should treat customers, colleagues, and partners ethically at all times.

---

### **Ten basic rights of an employee in India**

1. Leave is the right of all employees

Generally, an employee is given the following leaves during the course of his or her employment:



**Casual Leave:** This is provided to an employee to take care of urgent or unseen matters like a family emergency; for example, employees can apply for casual leave to attend a parent-teacher meeting called for by their child's school.

**Sick Leave:** Sick leave is provided when an employee gets sick.

**Privilege or Earned Leave:** Privilege or earned leaves are long leaves that are planned for in advance.

**Other Leaves** – Apart from the above mentioned leaves, there are some other paid, unpaid or half-paid leaves which are provided at the discretion of the company. Study leave and bereavement leave are two such examples.

***Medical Certificate for one-day sick leave***

Usually, when a sick leave exceeds beyond two or three days, depending upon the company policy, employees are requested to submit a medical certificate to sanction the leave. However, in the case of one-day sick leave, an employer should not ask for a medical certificate.

***Encashment Leave***

An employee can take encashment leave while quitting service, superannuation, discharge, dismissal or death. Leave encashment should be as per average daily wages of an employee.



## 2. Protection from sexual harassment at the work place

It is the responsibility of the employer to ensure that his/her employees, especially female employees, are protected while at work. All incidents of sexual harassment – regardless of how big or small they are or who is involved – require employers or managers to respond quickly and appropriately. Just because someone does not object to inappropriate behaviour in the workplace, it does not mean that they are consenting to the behaviour.

Remedy under the Sexual Harassment of Women at Workplace

maternity benefits.

### 3. Maternity

The Maternity Benefits Act, 1961 (MBA) was enacted with respect to employment of pregnant women in establishments.



Earlier, the law mandated that a female worker was entitled to a maximum of 12 weeks (84 days) of maternity leave. Of these 12 weeks, six weeks leave are for post-natal leave.

Employees are also entitled to one additional month of paid leave in case of complications arising due to pregnancy, delivery, premature birth, miscarriage, medical termination or a tubectomy operation (two weeks in this case).

With new amendments made to the Maternity Benefits Act, 1961, the paid maternity leave has been extended from 12 weeks to 26 weeks for women working in the private sector.

#### 4. Gratuity

Gratuity is a statutory right of employees and cannot be denied to them on the grounds that they are being given provident fund and pension benefits. Gratuity is a statutory benefit paid to the employees who have rendered continuous service for at least five years.

It is a lump-sum amount paid to an employee based on the duration of his total service. The benefit gratuity is payable to an employee on cessation of employment either by resignation, death, retirement or termination, by taking the last drawn salary as the basis for the calculation.

Gratuity is an important form of social security and is looked at as a gesture of gratitude by the employer to the employees, paid for in monetary terms, for the services rendered by them to the organization. It is a defined benefit plan and is one of the many retirement benefits offered by the employer to the employee upon leaving his job. Gratuity payment liability of the employer tends to increase with an increase in salary and tenure of employment.

#### 5. Provident Fund

Employee's Provident Fund (EPF) is a retirement benefit scheme that's available to all salaried employees. It is managed by the Employee Provident Fund Organisation of India and any company with over 20 employees is required by law to register with the EPFO.



As per law, both, the employer and the employee have to contribute 12% of their basic salary to the provident fund. If any employer is deducting the whole PF contribution from an employee's salary then it is against the Act, and he can apply against the same in the PF Appellate Tribunal.

## 6. Working Hours

The Shop and Establishments Act of every state has fixed the maximum no. of working hours 9 hours a day and 48 hours a week. The Shops and Establishment act does not see any difference between managerial and nonmanagerial workers when it comes to regulations relating to working hours. The working hours may be increased up to 54 hours a week upon prior notice to the Inspector, but this increase would be subject to a condition that overtime hours should not be more than 150 in one year.

## 7. Right to get Insurance

Every employee will have the right to be insured by the employer under the Employee State Insurance Act 1948, in case of any kind of injury or miscarriage occurring during the course of employment.

## 8. Right to go on Strikes

The employees are provided with the right to go on a strike without giving a notice, however if the said employee is a public utility employee, then he would be bound by the prohibitions laid down in the Industrial Disputes Act 1947, Section 22(1) lays down certain conditions on Strikes by public utility employees, the conditions includes giving out prior notice to the employer six weeks before going on such strike.

## 9. Right to Equal Pay for Equal Work

Equal pay for Equal work is a constitutional right and any employer is liable to pay equally to any men, women or temporary staff performing same tasks and undertaking same responsibilities. There can be no discrimination while paying any basis to employees.

## 10. Written employment agreement

An employer must provide a written Employment Agreement before you start work.

An Employment Agreement is a legal document, which contains the 'terms and conditions' of your employment. It lists the rights and obligations of both, the employer and the employee, and is designed to give both parties security and protection.

By law, employer must give you a written Employment Agreement before you start work.



## Gender sensitization at work Place

### **Gender sensitization.**

Without being sensitive to the needs of a particular **gender**, an individual may refrain from understanding the opposite **gender** and in some acute cases even him or herself. The need for this sensitivity has been felt and realised through times immemorial and in almost all kinds of human existence, across the globe.

Despite the strides that have been made in improving gender equality in companies, female workers are still paid significantly less than their male counterparts, and women continue to be underrepresented in senior management roles. While discrimination and unequal pay is illegal, the facts show that there remain to be tremendous obstacles in equal opportunities, and employers play a vitally important role in overcoming these hurdles in their workforces. The latest research report from Accenture has identified 40 workplace factors that help to create a culture of equality within a company. The "Getting to Equal 2018" report details the most effective actions that leadership teams can implement to accelerate advancement within the organisation and help close the gender pay gap among employees.

The research report surveyed more than 22,000 women and men in 34 countries (more than 700 in Ireland) to identify the factors that contribute towards equality in their workplace cultures. Below, we've outlined 5 of the key elements mentioned in the report that is linked to gender equality advancement within an organisation.

#### **1. Re-evaluate job specifications for the senior management team**

In the case of companies not hiring women for senior level roles, they should identify what barriers they have constructed which has led to fewer job applications from women. That doesn't mean the requirements for the position need to be changed, but asking if 15 years of management experience is required when ten years may do is a positive step towards opening the role up to more people. Companies should also consider whether including other types of experience that broadens the pool of applications is equally beneficial to the position.

#### **2. Remove the gender pay gap (and be transparent about it!)**

The gender pay gap can only continue if a culture of secrecy is encouraged within a company. A new culture of transparency needs to be introduced which challenges a company to investigate the pay gap between women and men and stops asking candidates what they were paid for their last job. Instead, each position should have a pay bracket that outlines the salary for that role.



of male managers includes women

Buffer, the social media management platform is an excellent example of a company that has embraced transparency across the entire organisation. Since 2013, they have shared their salary details for each member of staff and provided a salary calculator to allow anyone to quickly calculate what they could earn at Buffer and see the compensation for each role. While going to these lengths is not ideal for most companies, the pay brackets for each position should be outlined to eliminate any bias.

### 3. Make work/life balance a priority for your employees

While research has shown that the gender pay gap is narrowing for young workers, it is widening among working mothers as they are effectively suffering a pay penalty for taking time off. One of the most significant hurdles that currently prevent women from reaching the top of their career is the lack of available childcare support. Companies should consider helping to pay for child and elder care and ensure they don't oversell how family friendly they are to job candidates if such options are not already in place as this can lead to frustration and early exits from the company. To relieve working mothers, parental leave for fathers should also be promoted as this will not only allow mothers to invest more time into their careers, but research has shown that fathers want to be and should be more actively involved in childcare duties.

Companies need to play a vital role in supporting mothers by working together to agree on a fair and balanced workplace that will promote productivity, while also allowing flexibility and the option to work remotely where possible.

### 4. Make mentors available to everyone

The availability of an experienced mentor to help guide you through the different channels you'll face throughout your career is invaluable, and it should be an opportunity that is open to everyone. Mentors should expect to be questioned on how to ask for pay rises within a company and advice on how to tackle any issues relating to inequality.

Although it may be tempting to resolve gender inequality within a company by focusing only on women, gender inclusiveness needs to focus on both men and women as initiatives involving only part of the workforce will likely have reduced results. Companies with mentor programs also shouldn't insist on same-sex matches though as in companies with few senior-level women, they're already spread too thin to have the time to dedicate to mentoring other staff. The "#metoo" movement has helped to raise voices and awareness about widespread harassment and discrimination, but unfortunately, it has also resulted in some repercussions in the workplace. Some men are now more wary of mentoring women as a survey from LeanIn.org found that 50%



## 5. Harassment needs to be identified and immediately stopped

At some point in their career, one in four women has been subjected to harassment at work. Management has a responsibility to ensure they step in early to both identify and stop harassment, but unfortunately, in many companies, cases of it happening are often ignored. If there are any signs of harassment taking place within your workplace – no matter how big or small – you need to stamp it out immediately and ensure a proper process is implemented to prevent such cases from happening again.

Such activity being overlooked is a clear indication that more profound gender inequality is happening within the organisation, so you have the responsibility to take ownership of the problem.