

## CASE-PART 1

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### Creating a Safe Work Environment - Zatlars struggle against Sexual Harassment-

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The pin drop silence in the board meeting was really getting Manisha worried, the department heads had nothing to say, all eyes turned towards her, expecting a reply. To her rescue, the CEO Nilesh Agarwal's phone buzzed once again. He looked up at each one of them in the meeting hall with serious concern 'one more sexual harassment complaint within a month'.

The reputation of the company was at stake, and that was not the only thing that bothered Manisha who is working as HR Manager in Zatlar Private Limited, In the last seven years, several employees left the organisation and many of them were female employees but none of the employees ever came up to her to share the actual reason for their exit. The Human Resource department tried its best to engage its employees and give them the freedom to put their point of view across. Employees use to come and openly discuss the issues regarding leaves, promotions, salary and accommodation with Manisha in her capacity as a HR Manager. But, this current matter related with sexual harassment has left Manish thinking about her own role as a HR Manager

#### About Company

Zatlar Private Limited a leading software service provider was established in 1999, in the western part of India, with a vision to provide the best and most efficient software solutions to the entire country. By 2005 Zatlar had grown tremendously, their Core Research and development team came up with innovations that helped the company achieve its heights, their employee

satisfaction ratio was high and the company considered their employees as their asset and valued them tremendously.

In the year 2009, the Research and Development head Mr. Katkar was retiring from his services so Zatlal started looking for his replacement. Mr. Arun Alvares was working in their rival firm and was known for his initiatives that took that company to greater heights. Alvares with his twenty years of experience was a known figure in the Industry. Zatlal followed up with him and persuaded him to join. Finally, he accepted Zatlal's offer and joined them in early 2010.

#### **About Manisha**

Manisha, a young MBA in Human Resource Management joined Zatlal in the year 2007 as their HR Manager. Manisha was a self-motivated and dedicated individual. After her joining, she carried out a gap analysis which resulted in Zatlal recruiting more number of employees.

#### **The start**

Research and Development is very vital for any organization and its future sustainability. R&D basically can contribute in two ways, (i) Sustained Product Development and (ii) Disruptive Product Development. Zatlal wanted to be a company who is closer to customer centric approach rather than business centric approach. The Company recruited young minds in their R&D division. And, thus, the importance of their R&D division was justified.

Manisha as HR Manager was concern with the high attrition in the R&D division. She noticed that many female employees have left the organizations. She looked at her data of the last 5 years and found that more than 12 female employees had left the organization from 2010 – 2014, they had left mostly

within a year's time from their date of joining and even a few old loyal staff had abruptly left the organization during this period. She raised her concern in their monthly morning meetings with the department heads and management representatives.

Manisha asked Mr Arun Alvares, the R&D head if he knew why so many employees from his division had left. Alvares could not provide any reason for the high attrition and blamed Manisha for not providing him with efficient staff.

Sandra who joined Zatlal in 2013 as a junior researcher left the organization within one year.

Sandra was enthusiastic to start her career at Zatlal Private Limited, she joined in the month of November 2013 as a junior researcher and was working under her department head, Mr. Arun Alvares.

A month after Sandra had left Zatlal, Manisha got an unexpected call from the woman cell of the local police station, something Manisha had never thought of. Sandra had filed a case of sexual Harassment against a senior person of the organization – Arun Alvares.

#### **Sandra's Experience**

Sandra soon after her joining started receiving messages on her mobile from Mr. Alvares every morning wishing her good morning. As a new joiner, Sandra would reply to his greetings. He then started commenting on the dress color she used to wear and started sending her jokes. Sandra started feeling uncomfortable with this kind of personal messages and twice she politely told him that she was not comfortable. But, Alvares continued his behavior and one morning, Alvares suddenly commented on her looks saying "You are looking



very sexy'. On hearing the comment she felt very uneasy but this time decided to ignore the comment.

Few months later Sandra was having lunch in her cabin when Alvares entered, came close to her pulled her checks and left the cabin. It all happened so fast that Sandra had no time to react, she was shaken by the whole incident. Without having a second thought she packed her bags and barged out of the office.

Zatlar lost yet another sincere staff.

#### **Manisha's Struggle**

Manisha reached the police station and read the report filed by Sandra detailing the incidents. Manisha felt the matter could be discussed with her and thought that Sandra had taken a huge step when things could be sorted out at Zatlar itself. She knew that forming an Internal Complaints Committee (ICC) became a mandatory requirement under the Law on Prevention of Sexual Harassment at Workplace in 2013. She however, avoided forming an ICC thinking that a sexual harassment incident cannot occur in Zatlar.

The next day was nothing better, Arun had not reported to work and as per the police a search warrant was issued, the morning meeting was not just a discussion on Sandra and Arun but also an Ex staff Miss Nilima Apte, who also filed a complaint early that morning at the police station. Nilesh, the CEO of Zatlar passed a copy of both the complaints to the department heads at the meeting.

*"Nilima Apte joined our organization in the year 2012, correct me if I am wrong" Manisha said the CEO, "She had also left the organisation without any intimation if I remember it correctly she had hardly completed six months,*

*she was a highly competent staff and had worked previously with our competitor for almost 5 years - a long period, two months after she joined us she completed a project which generated huge revenues for Zatlal, she came up to me and said 'Zatlal is the best place to work, the culture followed here is very staff friendly, the bond shared between the management and its employees is strong there is nothing one can really complain about'. And we did not feel the need to investigate her sudden resignation just after 6 months with us."*

The Report filed by Nilima stated that Mr. Arun Alvares kept texting her disturbing, sexual messages every now and again, in spite of her repeated attempts to prevent it. He would also check her out in a vulgar and indecent way and would pass lewd comments about her body. That was not all that Alvares did, he also asked Miss Apte to meet him under the pretext of discussing some office matters and took her for dinner, there he asked Nilima for Sexual favors and told her if she did so he would get her married to a rich Industrialist.

#### **A month later**

Manisha thought that was it, but today just after a month the phone call that saved her in the meeting room had hit her even more, a third ex-staff had registered a complaint against Arun, this one more severe than the previous two cases, Arun had not only physically harassed Pooja Khatri while she worked at Zatlal but had continued his misbehaviour even after she left the organization.

Pooja was the first employee who left Zatlara soon after Alvares was appointed as the head of the department. She joined Zatlara in 2002 and left the organization within few months of Alvares joining in 2010.

Since Manisha had spent a lot of time with Pooja at Zatlara, she decided to go and have a word with her and this is what she had to say:

*'I was afraid to say anything as Arun was a highly influential and Respected person and no one would believe me, I had worked with Zatlara for quite a few years and I treated it like family, I knew a complaint like this would ruin its reputation, I felt I was the only one going through this. It was only when I got to know about the complaints filed by Sandra and Nilima that I gathered the courage to come forward and filed a complaint myself. Manisha I think it's not just we three but almost every female employee that has and is working in that department that is facing this torment from Arun.'*

Her last statement shocked Manisha, If Pooja was right then over 12 employees had been harassed by a single person in their organization, and none of them had brought it to her notice, no other department had any clue of these incidents.

Mr Alvares seemed to have gone against every unwelcome act specified in the Sexual harassment act under the definition of Sexual Harassment 2(m). 1) Physical contact and advances, 2) demand or request for sexual favors, 3) making sexually colored remarks and other unwelcome physical acts, 4) verbal conduct of sexual nature.

The police were on a look out for him. And the reputation of the company was at stake.

The following questions exhibited before Manisha:

- 1) How can Manisha try to prevent cases of sexual harassment at Zatlal?  
What kind of Policies will she have to draft and implement for the same?
- 2) What can she do to help Zatlal now recover from the damage caused?  
And restore its reputation?



## **Part II**

### **Perceptions of the Case Writer**

#### **Synopsis**

The case depicts an incident of sexual Harassment at Zatlal Pvt. Ltd. The company highly valued its employees and had grown tremendously in the past few years, when Arun Alvares was taken on as the R&D head many female employees began to leave their Job without stating the actual reason, Manisha the Human Resource Manager tried to investigate the matter but was never provided with a satisfactory answer, after 5 years she gets her first lead and is shocked to know that the exit of the female employees was due to sexual harassment at work. Manisha now is posed with huge decisions, she has to Draft and implement policies that will prevent such cases in zatlal she also has to help Zatlal recover and restore its reputation and make sure such cases do not repeat and hamper the employees and the organization.

#### **Case Objective**

The case is based on a true incident and has been written to initiate the thinking of students on how to handle a complex and sensitive issue of Sexual Harassment at workplace and to understand and follow the guidelines specified in the act- Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) 2013',

#### **Position in the Course**

The case can be discussed in courses of Management, Human Resource and Labour law.

#### **Assignment Questions for Students**



- 1) How can Manisha try to prevent cases of sexual harassment at Zatlal?  
What kind of Policies will she have to draft and implement for the same?
- 2) What can she do to help Zatlal now recover from the damage caused?  
And restore its reputation?

### **Brief Analysis**

Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature.

Harassment at work place is an issue of serious concern, it is very important to create a safe working condition for employees, especially now that more women are entering the work force, it is immensely important to protect and safeguard them. Sexual harassment results in a violation of the fundamental rights of a woman to equality. For the safety of woman employees against the offense of sexual Harassment the government has drafted the act- 'Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) 2013', also known as 'POSH at Work – Prevention of Sexual Harassment'. Under this act every organisation having more than 10 employees has to form an ICC (Internal Complaints Committee), so that if any female employee feels that they are not safe or are facing any form of sexual harassment, they can go up to this internal committee and put their case forward, the committee will then conduct a proper investigation and appropriate action will be taken. As per the act - Sexual harassment not only covers physical touch but also the Verbal conduct of sexual nature, a demand or request for sexual favors.

Now that Manisha – the HR Manager has got to know the truth about why the female employees had left Zatlal she is concerned about the fact that none of them came up to her to discuss the matter, To avoid these type of cases Manisha will first have to form an ICC Committee so that her staff can come up and register these issues before matters get worse. The committee should have a presiding officer who should be a woman at a senior level in the organization, the committee should have not less than 2 members.

Policies for appropriate work behavior will have to be formed, the policies should not be biased and should address both the female and male employees.

Arun left a drastic stain on the victims and the organization, Zatlal had lost some of its best staff, and its reputation was at stake. To overcome this hurdle Zatlal gave their full support to the Police and helped them with whatever information they needed that would help in piling up the evidence against Arun, full backing was given right from the time the search warrant for Arun Alvares was issued to providing every minute detail they knew about him. This act helped them not only regain the trust of their staff but also their customers.

Additionally, in order to restore the faith of its employees, Manisha is planning to start conducting workshops and seminars in their organization educating woman on how to raise their voice against sexual harassment and any other issues at the workplace.

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### Executive Summary

Zatlar Private Limited a leading software service provider established in 1999, had a high employee satisfaction ratio and the company considered their employees as their asset and valued them tremendously.

Manisha joined Zatlar in the year 2007 as their HR Manager, in 2010 a new R&D Manager was taken on board, - Mr. Arun Alvares, within few years of his tenure a lot of female employees left Zatlar without any intimation, this posed a huge concern in front of Manisha, on questioning Mr. Arun Alvares the R&D Manager she did not get a satisfactory answers, he in turn, blamed her for not providing him with efficient staff.

Few months after Sandra had left the organization Manisha gets her first update, Sandra files a case on sexual harassment on Arun Alvares and her complaint is followed by two more ex-staff

When Manisha has a word with Pooja the third complainant she gets to know that Alvares's behaviour was not only towards the three complainants but almost towards every female employee in the R&D Department, if Pooja was right then over 12 female employees had been harassed by a single person in their organization, and none of them had brought it to her notice.

The police were now on a look out for Arun Alvares. The reputation of the company was at stake and Manisha has to take and implement major decisions she has to Draft and implement policies that will prevent such cases in zatlar she also has to help Zatlar recover and restore its reputation and make sure such cases do not repeat and hamper the employees and the organization in the future.