

Frequently Asked Questions

Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013

Q. What is Sexual Harassment at Workplace?

Sexual Harassment is any unwelcome act or behaviour (whether express or implied), such as:-

- Physical contact or advance
- A demand or request for sexual favours
- Making sexually coloured remarks
- Showing pornography
- Any other physical, verbal or non-verbal conduct of a sexual nature.

Sexual harassment at workplace can take various forms. It can involve conduct such as:
Unwelcome touching, hugging or kissing

- Staring or leering
- Suggestive comments or jokes
- Unwanted or persistent requests to go out
- Intrusive questions about another person's private life or body
- Deliberately brushing up against someone
- Insults or taunts of a sexual nature
- Sexually explicit pictures, posters, screen savers, emails, twitters, SMS or instant messages
- Accessing sexually explicit internet sites
- Inappropriate advances on social networking sites
- Behaviour which would also be an offence under the criminal law, such as physical assault indecent exposure sexual assault, stalking or obscene communications

Q. What are the types of workplaces included as per the Act?

It includes all workplaces whether owned by Indian or foreign company having a place of work in India. As per the Act, workplace includes:

- Government organizations, including government company, corporations and cooperative societies
- Private sector organisations, venture, society, trust, NGO or service providers etc. providing services which are commercial, vocational, educational, sports, professional, entertainment, industrial, health related or financial activities, including production, supply, sale, distribution or service
- Hospitals / Nursing Homes
- Sports Institutes / Facilities
- Places visited by the employee (including while on travel) including transportation provided by employer
- Ad willing place or house

The Act defines the Unorganised Sector as:

- Any enterprise owned by an individual or self-employed workers engaged in the production or sale of goods or providing services of any kind
- Any enterprise which employs less than 10 workers

Q. How many kinds of sexual harassment at workplace are there?

Sexual harassment of workplace is of two kinds:

- **Quid pro quo :**

Quid pro quo is a Latin term which literally means 'this for that'. Quid pro quo sexual harassment means subjecting a woman to unwelcome sexual advances, requests for sexual favours and other verbal or physical conduct of a sexual nature on account of the following:

- To force the woman to agree with such conduct by promising/threatening her (explicitly or implicitly) preferential/detrimental treatment in her job. For example: if you agree to accompany me on a study tour, I will give you promotion or in case you refuse, I will transfer you other place.
- Submission to or rejection of such conduct by the woman is used as the basis for deciding the future course of her job. For example: if you refuse to obey my demand, I will not renew your contract.
- **Hostile work environment:** Creation of a hostile, intimidating or an offensive work environment with the purpose of unreasonably interfering with woman's work performance or subjecting woman to humiliating treatment likely to affect her health and safety

Q. What is unwelcome sexual conduct?

A sexual behaviour only becomes sexual harassment at workplace only if it is unwelcome to the woman who is in receipt of such behaviour.

Q. What is unwelcome sexual conduct?

Any woman who is above the age of 18 years. Those who are under 18 years of age can lodge an FIR under the Protection of Children from Sexual Offences Act, 2012 (POCSO).

Q. Does the act constituting sexual harassment have to occur at work?

No. The act does not necessarily have to occur at workplace only. It could occur in any of the following places:

- Social event organised by your employer
- During work-related travel
- At a client or customer's premises
- At training events, business lunches or dinners, promotional campaigns or public relations events with clients, customers or prospective partners or
- During the course of work-related phone conversations or communications via electronic media

Q. If I am a victim of sexual harassment, what should I do?

If you feel comfortable in approaching the harasser yourself, you could directly tell the perpetrator that you find his behaviour unwelcome or inappropriate and ask him not to repeat) **(OR)**

You can approach the Internal Complaints Committee established within your organization under Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act (the SH Act), 2013 with a written complaint **(OR)**

In case, your organisation does not have ICC or if you want to make a complaint against the employer himself or if you work in the capacity of domestic help, then you can lodge your complaint with Local Complaints Committee established in your respective district under the SH Act. You can contact the nearest police station to lodge an FIR against the perpetrator.

Q. What is Internal Complaints Committee (ICC)?

Every organization has to constitute an Internal Complaints Committee (ICC) having following members:

- Presiding Officer – Women working at senior level in the organisation
- 2 Members (at least) – Amongst employees committed to women issues, have legal knowledge or experience in social work
- 1 Member – from NGO If the organisation has workplaces located at different places or division or sub-division level, then ICC will be constituted at every workplace

Q. What is Local Complaints Committee (LCC)?

The State Government will notify the District Magistrate/Additional District Magistrate/ Collector/ Deputy Collector as District Officer in every district, who will constitute a Local Complaints Committee (LCC) so as to enable women in the unorganised sector or small establishments to work in an environment free of sexual harassment.

The LCC will have following members:

- **Chairperson**- Nominated from amongst the eminent women in the field of social work and committed to the cause of women
- **Member**- Nominated from amongst the women working in the block, taluka or tehsil or ward or municipality in the district
- **2 Members**- Nominated from amongst such NGO/ associations/persons committed to the cause of women or familiar with the issues relating to sexual harassment, provided that at least one must be a woman, at least one must have a background of law or legal knowledge
- **Ex Officio member** - The concerned officer dealing with social welfare or women and child development in the district

Q. What should Employers/District Officers do to comply with prohibition, prevention and redressal of workplace sexual harassment?

Employers/ District Officers have a legal responsibility to:

- Effectively communicate a policy that prohibits unwelcome behaviour that constitutes workplace sexual harassment, and provides a detailed framework for prevention, and redress processes.
- T-She Box's website (<https://tshebox.tgwdcw.in>) link to be highlighted by companies through every possible means (like, highlighting on their websites / attaching in e-mails / to be put on notice boards, etc.)
- Women Helpline Numbers to be publicised by companies too.

Q. How to locate ICC within your organisation?

As per the Act, the employer is obligated to display the order constituting ICC at any conspicuous place in the workplace. However, if this is not done, then one can contact the employer/head of the department/human resource department to obtain information about the ICC constituted under the Act
