

FAQs on Sexual Harassment at Workplace

1. What is sexual harassment?

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute as sexual harassment.

2. Who is protected from sexual harassment at workplace?

A woman who is visiting a workplace or working on a short term, long term or daily basis for compensation (cash or other) as one of the following:

- A part-time employee
- A contractual employee
- A visitor to a workplace
- A domestic help
- Hired through an agency
- A volunteer
- An intern

3. Who is an employer?

All the employers are responsible to prevent sexual harassment at workplace. According to section 2g of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, an employer is someone who is responsible for the management, supervision and control of the workplace.

4. What is a Workplace?

A workplace is any place that you visit as an employee during the course of your employment or arising out of employment, including transportation provided by the employer for undertaking such a journey.

The definition of workplace includes all workplaces whether owned by Indian or foreign companies having a place of work in India.

5. Where should the complaint be filed?

A complaint can be filed in either of the places:

- A sexual harassment complaint can be filed with the Internal Complaints Committee at your workplace.
- If the workplace does not have an Internal Complaints Committee then you can approach the Local Complaints Committee of your district through nodal officers appointed by the District Officer.
- A criminal case can be filed under Section 294, 354, 509 of IPC (or) under Indecent Representation of Women (Prohibition) Act.
- A civil suit can be filed for damages.

6. Do you have to be employed at the workplace where sexual harassment happened to be able to file a complaint?

No, you do not have to be employed at the workplace where sexual harassment happened, to be able to file a complaint. If you visited another workplace where you are not an employee and were sexually harassed by someone at that workplace you can file a complaint with the Internal Complaints Committee of that workplace.

7. When should the complaint be filed?

A sexual harassment complaint should be filed within 3 months of the date of the last incident of sexual harassment with the Internal Complaints Committee or Local Complaints Committee. Time can be extended to another 3 months if the Committee finds that you could not have made the complaint earlier.

8. How to file a complaint?

- __Draft a complaint
- __Make six copies of the Complaint
- __Make sure to submit supporting documents for the Complaint along with the Complaint
- __Ensure you submit the names and addresses of any witnesses who are submitting your complaint
- __Submit the complaint within 3 months of the incident taking place

9. Why should the complaint be filed with the Complaints Committee?

A victim of sexual harassment can write to the Complaints for certain benefits to create a safe work environment for herself, such as:

- Stopping the accused from reporting on her work performance or writing her confidential report or even assigning it to someone else.
- Prevent the accused from supervising any academic activity of the victim in an educational institution.

10. What if the complainant does not wish to make a formal complaint with the Internal Complaints Committee?

The Complainant can ask the Committee to settle the matter through conciliation. Only the victim has the right to initiate the process of conciliation.

11. Can a committee make a decision about a sexual harassment case without the person being present?

The Committee has the right to end the inquiry or to make a decision and give an order if either party is absent for three consecutive hearings. The Committee can only do this if it has given a 15 day notice to the parties in writing.

12. Are you allowed to approach the police and courts even if you file a complaint under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act?

Yes, the Act gives you a choice between dealing with the offender within the office or approaching a court or both. If you wish, you can file a criminal complaint as well as approach your Internal/Local Complaints Committee or file either one of the complaints.

13. Can a woman teacher/professor file a case of sexual harassment against a student?

Yes, a woman teacher/professor can file a case of sexual harassment against a student. The University Grants Commission has regulations under the Prevention of Sexual Harassment at the Workplace Act, 2013 known as the University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015.

14. What can I do if the police officer denies to take down my complaint?

In such a situation, you may contact the SP of your region or go to the Court, the court may then either itself take charge of the matter or direct the appropriate police officer to do so.