

# What Constitutes a “Workplace”?

In the previous lesson, we saw what sexual harassment is and how it can play out in the workplace.

In this lesson, we will explore the meaning of "workplace" in relation to the Sexual Harassment of Women at Workplace (Prohibition, Prevention, and Redressal) Act.

Let us start by looking at a workplace sexual harassment incident...

*The Scene*

**Harshad** (*Looking down towards his phone as he scrolls through it. He turns around*)

**Mayank** (*Has his headphones on and is looking out of the window. Takes them off*): “Yeah?”

**Harshad** (*Holds his phone out towards Mayank*) "I've downloaded this video of this scorching hot babe... Wanna watch it together!"

**Mayank** (*laughs*): “Ha, ha.... Why not? Play it”

**Neha** (*camera zooms out to show Neha who is squirming in discomfort*): “Guys, I do not like this kind of behaviour.”

**Harshad** (*loses his cool; snaps at Neha*): “Stop being so uptight man, Neha. You can choose to look the other way if you want to. We are not in the office anymore, so your rubbish POSH guidelines do not apply to us *here*.”

Now, as Harshad says, this incident happened outside the office premises, when the employees were travelling back home in a company provided transportation facility. But **does this incident still fall under the purview of sexual Harassment?**

**Course: Prevention of Sexual Harassment at the Workplace**

**Lesson 3, 4, 5: The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013**

Yes, it does!

Granted, the men were not in the office when this altercation transpired. Yet, this incident comes under the ambit of Sexual Harassment because of

## The Definition of "Workplace" As Per the Act

The Act defines a "workplace" as *'any place visited by the employee arising out of or during the course of employment, including transportation provided by the employer for undertaking such a journey'*

The Act states that the workplace includes...

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

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In this lesson, we saw what The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 construes to be a "workplace". Now, Harshad and Mayank hadn't meant to offend Neha. In fact, they weren't even involving Neha in their discussion. Why then does their action constitute sexual harassment?

Ah, that requires us to understand the notion of an action's impact vs its intent, something we will cover in the next lesson.

Before we move on, though, please take the accompanying quiz.

Happy Quizzing!