

Does Work-from-Home Necessarily Ensure Safety-from-Harassment?

In the previous lesson, we saw what sexual harassment while working from home looks like. This lesson will explore the causes behind sexual harassment while working-from-home and the law that protects women from such harassment.

Why do sexual harassment cases occur while working-from-home?

A workplace - in the traditional sense - means an office or a factory where employees' physical presence is necessary to get the job done.

However, new technology, including the internet and constant connectivity, has emerged in the last few years. This has enabled a new work culture, that of bringing our workspaces into our homes. Employees can now work from anywhere, as long as they have laptops and decent internet connectivity. Furthermore, the COVID-19 pandemic saw organisations increasingly encouraging employees to work from home.

However, the work-from-home culture has also created an expectation for employees to be available for discussions, meetings, and calls 24/7. This, invariably, increases the risk of sexual harassment cases while at work.

In fact, there have been many subtle instances of sexual harassment when working from home, such as colleagues:

- Stalking fellow colleagues on social media.
- Sending colleagues repeated friend requests, even though the previous requests have all been rebuffed

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- Commenting on colleagues' pictures even when the colleague in question is not even friends with oneself on social media
- Making a sexually coloured remark while on call or via messages
- Sending lewd messages or videos to colleagues
- Gesturing or touching oneself suggestively during a call
- Undressing during a video call.

Now there could be two reasons why employees might indulge in sexual misconduct in a work-from-home situation.

1. They were possibly oblivious of the fact that their behaviour amounts to sexual harassment, *or*
2. They were very well aware of what they were doing, but they assumed no law existed to protect victims from sexual harassment while working-from-home.

This brings us to the question -

Is sexual harassment that occurs while working-from-home covered by law?

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 defines *“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.”*

This means that a ‘dwelling place or house’ is also considered a workplace if the employee carries out their job responsibilities from there.

Thus, sexual harassment occurring through any type of online medium while working-from-home falls under the purview of the Act, which has been formulated to protect women from sexual harassment in the workplace

Thus far, we have seen what sexual harassment is, how it manifests in the workplace and working from home.

In the next lesson, we will explore the actions that employees facing sexual harassment can take to protect themselves from such situations.

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Before proceeding to the next lesson, though, please take the accompanying quiz.

Happy Quizzing!