

Government enacted Sexual Harassment of Women at Workplace Act, 2013, aiming to provide safe and secure working environment for women across all sectors

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Sexual harassment of women at the workplace is a grave violation of women's fundamental rights to equality, liberty and life, as enshrined in Articles 14, 15, and 21 of the Constitution of India and the right to practice any profession or carry on any occupation, trade or business, which includes a safe working environment, under Article 19(1)(g). Sexual harassment creates an insecure work environment, hindering women's participation in the workforce and adversely affecting their economic empowerment and the goal of inclusive growth.

The Government of India enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (SH Act), aiming to provide a safe and secure working environment for women across all sectors. The Act covers all women, irrespective of age or employment status and extends its protection to both public and private sector workplaces, organized or unorganized, including domestic workers. The SH Act, 2013 is designed to be inclusive, intersectional and sector-agnostic.

The interpretation of following key definitions enshrined in the SH Act, 2013 provides that the Act is unequivocally applicable to all women, irrespective of sector, employment status or nature of work.

Section 2(a) of the Act defines "aggrieved woman" as any woman, of any age, whether employed or not, who alleges she has been subjected to sexual harassment at the workplace. This broad definition ensures that any woman present at a workplace regardless of her role is covered under the ambit of the Act. It also demonstrates the legislature's intention to provide statutory protection irrespective of her employment status.

Section 2(f)- Definition of "employee" includes persons employed on regular, temporary, ad hoc, or daily wage basis, either directly or through an agent, including volunteers or trainees. This includes contractual workers, apprentices, trainees, consultants and even unpaid interns. The definition ensures that economic dependency on the employer/ in-charge/ owner of a workplace is not a precondition for protection.

Section 2(g) of the Act defines "employer" as

- i. in relation to any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit of the appropriate Government or a local authority, the head of that department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit or such other officer as the appropriate Government or the local authority, as the case may be, may by an order specify in this behalf;
- ii. in any workplace not covered under sub-clause (i), any person responsible for the management, supervision and control of the workplace. (Explanation — For the purposes of

- this sub-clause “management” includes the person or board or committee responsible for formulation and administration of policies for such organisation);
- iii. in relation to workplace covered under sub-clauses (i) and (ii), the person discharging contractual obligations with respect to his or her employees;
 - iv. in relation to a dwelling place or house, a person or a household who employs or benefits from the employment of domestic worker, irrespective of the number, time period or type of such worker employed, or the nature of the employment or activities performed by the domestic worker.

Under Section 2(o), the term “*workplace*” is expansively defined to include government bodies, private sector organizations, non-governmental organizations and institutions carrying out commercial, professional, vocational, educational, entertainment, industrial, health services or financial activities. Accordingly, the Act applies to formal and informal sectors, organized and unorganized settings, and public and private spaces. It also covers home-based workers, field staff and women in transit for work purposes.

In *Jaya Kodate v. Rashtrasant Tukdoji Maharaj Nagpur University (2013)*, the Bombay High Court reiterated that “the definition of workplace is inclusive and deliberately kept wide by the Parliament to ensure that any area where women may be subjected to Sexual Harassment is not left unattended or unprovoked for.

This information was given by the Minister of State for Women and Child Development Smt. Savitri Thakur in Rajya Sabha in reply to a question.

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