

Ongoing Advocacy with the Delhi Government on Effective Implementation of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

Introduction

The Sexual Harassment of Women at Workplace (Prevention, Prohibition, Redressal) Act, 2013, is a nine-year-old piece of legislation that mandates the set up of Local Committees (LCs) in every district of the country by district authorities to enable women workers, particularly those working in the informal sector to seek time-bound, sensitive and prompt justice delivery for their experiences of sexual harassment in the workplace.

However, there have been several lacunae in the implementation of this Law, and the set up of LCs. Under a project funded by the UN Trust Fund to End Violence Against Women and Girls, Martha Farrell Foundation has been working with women domestic workers to identify, map and bridge these gaps and enable proper implementation of the law in all districts of Delhi and 2 districts in the NCR region (Gurgaon and Faridabad). A 2021 audit of districts, found only 3 LCs had been constituted among the 13 districts mapped.



Advocacy in partnership with women domestic workers has slowly led to the formation and training of three LCs in Delhi (North-East, East and South districts), however, the training session threw up challenges even at the systemic level for LCs to function smoothly.

Parallel study with women domestic workers found that out of 1939 women, 98% were not aware that this legislation exists, or who their LC is. This brings to focus larger questions around the rights of women to enjoy safe, equal and discrimination and violence-free workplaces, in particular, women informal workers, including domestic workers who face several layered challenges and marginalisation in the world of work.

Since inception, Martha Farrell Foundation has been engaged on this issue and to set up, strengthen and enable empowered, responsible and responsive LCs that are accessible to all women informal workers. Under this project, with women domestic workers leading the movement front and center, we have been able to make several significant strides in achieving this objective.

State Level Consultation with and by Women Informal Workers

In May 2022, a State Level Consultation was organised in partnership with women informal workers of Delhi, to identify challenges and present solutions to strengthen implementation of the 2013 Act for informal workers. Domestic workers partnered with the Foundation led the consultation and supported other informal workers - home based, garment, construction, sanitation workers and street vendors - in the conversations. Members of LCs, civil society and government were also present during the consultation, which led to immediate steps being taken by the Delhi government to implement the law meaningfully.

Findings from the Consultation were taken to Delhi Labour Department, through multiple presentations and meetings. A meeting was held with the Labour Commissioner of Delhi, who took two immediate steps:

1. A notification was issued to all 11 districts of Delhi to cooperate for the constitution and empowerment of LCs
2. A resource person was appointed by the Labour Department to exclusively work with MFF to conduct a study (now ongoing) to understand challenges faced by LCs for their proper and effective functioning. Under the study, LC members are contacted and their inputs are being taken into consideration to resolve challenges related to logistics, training and knowledge development, support required from district administration and thorough understanding of their role and responsibilities under the Act.

The study is ongoing and 4 local committees have been reached as per 15th November, 2022. The four local committees include the following districts of Delhi: New Delhi, Central Delhi, East Delhi, South Delhi, and below are the challenges articulated by them:

Type of Challenges faced by the Local committees	Findings from New Delhi District	Findings from Central Delhi District	Findings from East Delhi District	Findings from South Delhi District
Infrastructure Related Challenges	<p>The District Magistrate Office does not have a display board of the committee members and their contact numbers for women informal workers</p> <p>The Committee does not have a separate room to hold their meetings</p>	<p>The District Magistrate Office does not have a display board of the committee members and their contact numbers for women informal workers</p> <p>The Committee does not have a separate room to hold their meetings</p>	<p>The District Magistrate Office does not have a display board of the committee members and their contact numbers for women informal workers</p> <p>The Committee does not have a separate room to hold their meetings</p>	<p>The Committee does not have a separate room to hold their meetings.</p> <p>No dedicated computer/laptop</p>

	No dedicated computer/laptop	No dedicated computer/laptop	No dedicated computer/laptop	
Manpower related challenges	<p>The Committee members do not have anyone assigned to record details of the complaints of sexual harassment at workplace that they receive.</p> <p>They don't have any point of contact with the District magistrate office for receiving complaints.</p>	<p>The Committee members do not have anyone assigned to record details of the cases against sexual harassment at workplace that they receive.</p> <p>They don't have any point of contact with the District magistrate office for receiving complaints.</p>	<p>The Committee members do not have anyone assigned to record details of the cases against sexual harassment at workplace that they receive.</p> <p>They don't have any point of contact with the District magistrate office for receiving complaints.</p>	<p>The Committee members do not have anyone assigned to record details of the cases against sexual harassment at workplace that they receive.</p> <p>They don't have any point of contact with the District magistrate office for receiving complaints.</p>
Membership related challenges	<p>The membership of the committee is in compliance with the law against sexual harassment of women at workplace but the chairperson of the committee shared that they must have some representation from among LGBTQI+ persons</p>	<p>The membership is in compliance with the law but a member of the committee shared that not all members are active and can give their time to complaints of sexual harassment at workplace</p>	<p>The membership of the committee is in compliance with the law against sexual harassment of women at workplace but the chairperson of the committee shared that they must have some representation from among LGBTQI+ persons</p>	<p>The committee has representation from LGBTQI+ persons. However, one member of the committee belongs to another city (Banglore)</p>
Capacity building and training related challenges	<p>No training has been facilitated on roles and responsibilities</p>	<p>No training has been facilitated on roles and responsibilities</p>	<p>Training was facilitated by Martha Farrell Foundation with collaboration with District administration, but further</p>	<p>Training was facilitated by Martha Farrell Foundation with collaboration with District administration</p>
Dedicated Helpline number	<p>No dedicated helpline number exists for reaching out to LC members.</p>	<p>No dedicated helpline number exists for reaching out to LC members. .</p>	<p>No dedicated helpline number exists for reaching out to LC members.</p>	<p>No dedicated helpline number exists for reaching out to LC members.</p>

Awareness sessions facilitated by district administration	No awareness session has been facilitated anywhere about the SHW Act 2013 and LC by the district authority	No awareness session has been facilitated anywhere about the SHW Act 2013 and LC by the district authority	No awareness session has been facilitated anywhere about the SHW Act 2013 and LC by the district authority	No awareness session has been facilitated anywhere about the SHW Act 2013 and LC by the district authority
Identification card	No ID card has been provided to any local committee member	No ID card has been provided to any local committee member	No ID card has been provided to any local committee member	No ID card has been provided to any local committee member
Appointment of Nodal Officers (As per law, appointed Nodal Officers from every district/ ward/ taluka are responsible for forwarding cases to the local committees)	No appointment	No appointment	Sub divisional Magistrate is the Nodal Officer, therefore too senior and inaccessible	No appointment
Travel allowance or honorarium	No travel allowance or honorarium is given	No travel allowance or honorarium is given	No travel allowance or honorarium is given	No travel allowance or honorarium is given
Cases from Informal sector	The Committee has not received any complaints of sexual harassment at workplace from women domestic workers/informal sector	The Committee has not received any complaints of sexual harassment at workplace from women domestic workers/informal sector	The Committee has not received any complaints of sexual harassment at workplace from women domestic workers/informal sector	The Committee has not received any complaints of sexual harassment at workplace from women domestic workers/informal sector

Next Steps

The study being conducted jointly by MFF and Delhi Labour Department is a first of its kind initiative and a positive step forward in understanding the systemic challenges for smooth functioning of the LC mechanisms. Leveraging the notification issued by Delhi government, MFF program staff and field facilitators under the UNTF Project will approach district administrations for the set up and training of Local committees in all eleven districts. A training pipeline will be put into place. Further, a detailed report of this study will be drafted and presented to the Labour Commissioner of Delhi, to take appropriate action to ensure that LCs that are now set up are able to function more effectively and be accessible to women workers in the district, particularly informal workers. Given that this is a systems challenge, advocacy will continue for the setup of LCs, further



advocacy to also train police on the issue and ensure every department is aware of the district LC and is able to guide women seeking justice for their experiences to the right authorities, will continue.