



“It’s not a Small Battle, it’s a War”

Discussing advocacy strategies for activation of Local Committees in Delhi-NCR

Date: 24th January, 2022

Place: Virtual Meeting

Number of participants: 16 (members of the Network for the Rights and Voices of Domestic Workers, Delhi-NCR including Elizabeth, Teena, and Wajida- CSCD; Chinmayee, Rahul- Nirmana; Praveena- SEWA Bharat; Anshu, Suman, Ahida, Namita- SEWA Delhi)

Resource Persons: MFF Programme Staff

Introduction

Women domestic workers of Delhi-NCR and the Martha Farrell Foundation, with the support of the United Nations Trust Fund to End Violence Against Women and Girls, are leading #शक्ति, a program to strengthen institutional mechanisms and hold institutions accountable and responsible towards women domestic workers’ experiences of sexual harassment in their world of work. A key component within this program is to advocate for the set up, training and activation of Local Committees, as mandated under India’s SHW Act, 2013, to redress complaints of women workers in the country and their experiences of workplace sexual harassment.

Between 2016 and 2017, Martha Farrell Foundation, in partnership with PRIA - Participatory Research in Asia, filed RTI (Right to Information) queries regarding the existence and composition of Local Committees (LC’s) across the country. After the non-receipt of replies from the District Administrations, subsequent RTI queries were filed in state departments of Women and Child Development. Out of 655 districts in the country, only 29% replied to say that they had formed LCs, 15% had still not formed the LC and 56% of the districts chose not to respond to the RTI query. Taking forward the RTI findings, domestic workers, supported by the Martha Farrell Foundation, held a consultation with the Deputy Chief Minister for Delhi in 2018, demanding the setup of Local Committees in all 11 districts of the state. The response was immediate and effective.

However, in 2021, women domestic workers under the #शक्ति program, supported by the Martha Farrell Foundation, conducted a second study of Local Committees in Delhi-NCR. The study found that only 3 Local Committees (LCs) were formed, and not a single member of the three committees was easily accessible to anyone.

For domestic workers in particular, the Prevention and Prohibition of Sexual Harassment at Workplace Act (SHW Act, 2013) mentions that the redressal mechanism is not carried out by LCs but once the complaint reaches the LC, it has to be forwarded to the local police within seven days, and a complaint is to be filed under Section 509 of the Indian Penal Code, 1860 (word, gesture or act intended to insult the modesty of a woman). Beyond this, the Act does not mention the procedure or role of the police in carrying out the investigation. The ambiguity in the redressal process for domestic workers under the Act is just one of the impediments to their ability to seek justice for such experiences. However, as the first point for seeking support, the LC’s setup and activation, as well as orientation

towards the specific and nuanced challenges faced by domestic workers in speaking up on this issue, is a crucial step towards ensuring effective institutional responses to mitigating this issue.

In order to strengthen the work of Local Committees, and ensure their activation, a primary goal of the #सेही program, Nandita Bhatt (Director, Martha Farrell Foundation) facilitated a conversation with members of the Network for the Rights and Voices of Domestic Workers, Delhi-NCR (a coalition of organisations, Unions and civil society enterprises working with domestic workers, of which MFF is a founder member, hereon referred to as 'Alliance'). This meeting was a part of a series of consultations that is to be held with the Alliance to strategise collaborative approaches towards supporting domestic workers in their efforts to ensure strengthening redressal mechanisms for sexual harassment in the world of work of women domestic workers.

Key Insights from the Conversation

The conversation between members of the Network, facilitated by MFF revealed crucial insights on the challenges faced by more than 25,000 domestic workers from all districts of Delhi-NCR:

1. Within the unorganized sector, LCs play an important role in forwarding complaints received to the police— this raises questions about the existence of, and extent to which LCs are active. There are also no defined mechanisms for the monitoring and evaluation of LCs, and whether they are receiving complaints from Domestic Workers
2. The issue of lack of reporting cases of sexual harassment by Domestic Workers, is also a function of the lack of awareness regarding the SHW Act, 2013, and there is no clear understanding of who is responsible for such awareness generation regarding this issue
3. Nodal Officers are appointed officials in a volunteer capacity, who may also forward complaints to the police in a particular district— as it stands currently, there is very little to no information regarding who the Nodal officers are, what is the criteria for choosing such an officer, and a previous study conducted by the Martha Farrell Foundation also identified that most of these Nodal officers are male political party workers which may act as a barrier to reporting
4. The SHW Act, 2013 also does not have clearly defined provisions for interim relief, provided to all aggrieved women who file a complaint for the duration of the investigation process, in the case of Domestic Workers
5. The terminology used in the Act also needs to be reviewed, in order to fully encompass the protection needs of Domestic Workers. Particularly, the extended definition of a 'workplace' incorporated in the Act, must be more encompassing to include their 'world of work' in its entirety, and leave no room for speculation. needs to be reworked to be inclusive of the world of work of domestic workers. In addition, the definition of an 'employer', and their duties for awareness generation around the Act would also need to be redefined

Following the identification of these gaps a discussion on a forward-looking Advocacy Strategy was conducted. Some key points emerged from this conversation, that are to be solidified in the next session:

1. As an initial step, Resident Welfare Associations should be advocated with to create identification cards for all Domestic Workers, to ensure transparency and easy redressal in case of SHW
2. A monitoring and evaluation mechanism would need to be in place to assess the functioning of LCs. In addition to this, the roles and responsibilities of LCs, as well as the entire process of redressal against SHW for Domestic Workers would need to be redefined
3. As a means to identify Nodal Officers in a particular district who could also act as an important link in the redressal mechanisms for SHW, LCs would need to be asked questions. In order to ensure accountability and transparency for the Nodal Officers, the District Commission websites should also include a complete list of Nodal Officers, which is updated periodically
4. The provision of interim relief for Domestic Workers would need to be solidified and a mechanism for the same would need to be put in place. This would need to be time-bound, to cater to the needs of migrant domestic workers, and confidentiality would also need to be maintained throughout the entire process
5. The Labour Ministry should have a more active role in the redressal against SHW. Currently, under the PoSH Act (2013), the final redressal authority for cases of SHW is with the Women and Child Ministry, although the Vishakha Guidelines mentioned a greater role for the Labour Ministry previously. The Labour Ministry currently also has a 'Women's Welfare Officer', and a suggestion by a participant also mentioned that this officer could serve as a part of the LC, or as a Nodal Officer
6. An Advocacy session with the Women and Child Ministry that encompasses all of the above points is to be scheduled in due course

As a next step, the Alliance will take the discussions held to domestic workers, orient them on the law and support them in creating a joint agenda to strengthen the Law for the Prevention, Prohibition and Redressal of workplace sexual harassment experienced by domestic and other informal workers.