

## *Strengthening Implementation of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*

### First Round of Orientation of Local Committee Members, Nodal Officers and Police in 3 Districts of Delhi-NCR

#### Introduction

#मेंभी is a program addressing the issue of sexual harassment in the world of work of women domestic workers. Led by women domestic workers and Martha Farrell Foundation (MFF), and supported by UN Trust Fund to End Violence Against Women and Girls, #मेंभी seeks to strengthen and build accountable institutional mechanisms that prevent, prohibit and redress complaints of sexual harassment in the world of work of women domestic workers, in line with the 2013 Act to protect all women from sexual harassment in the workplace.

The Prevention of Sexual Harassment at Workplace Act, 2013 states that all working women from the formal and informal sector must be safe and free from sexual harassment at workplace. Under the Act, it is mandated that Internal Committees be formed at organisational level to redress complaints of sexual harassment in organisations with more than 10 employees.

For women working in the informal sector, women working in organizations with less than 10 employees and women who have no faith in their Internal Committees, the Act mandates the setup of Local Committees (LCs) at the district level, under the authority of the District Magistrate. Under the Act, women domestic workers fall within the category of 'informal workers' and therefore, are guaranteed the right to seek redressal of their complaints of sexual harassment in the workplace from Local Committees. The Local Committees in turn, are mandated to forward complaints by women domestic workers to police, within 7 days of receipt. Processes for ensuring time-bound justice, interim relief and confidentiality to women domestic workers, all guaranteed to aggrieved women under the Act, however, have not been defined in the Act.

Further, a participatory study led by 1923 women domestic workers in 2021, revealed that although 100% of participants had experienced sexual harassment in their world of work, none had filed complaints with the Local Committees. Lack of awareness of Local Committee members and the Act are only part of the reason.

An audit of LCs in 13 districts of Delhi-NCR by MFF in September 2021, revealed that only 3 LCs had been formed at the time.

Multiple presentations by women domestic workers, MFF and its partners in the Delhi for Domestic Workers coalition of organisations, to district authorities have since resulted in the formation of three more LCs, bringing the total number of LCs (formed on paper) in 13 districts to six LCs. None of them have received orientation training on their role and responsibilities under the Act.

Under this program, MFF has been bridging this gap. In the period between March - June 2022, MFF conducted three training sessions with LCs and other district level representatives on the issue of sexual harassment at workplace and the guidelines, role and responsibilities of LCs under the Act. The three LCs covered included:

- North-East District, Delhi

- East District, Delhi
- South District, Delhi

### Features and Highlights: Orientation Sessions

**District:** North East Delhi

**Participants:** 5 Local Committee members, 2 police officers, District's Sub-Divisional Magistrate and Additional District Magistrate, 5 Internal Committee members of the District Administration of North East Delhi and 25 employees of the District Administration office

**Date:** 11th April, 2022



**Training of Local Committee: North East Delhi**

**District:** East Delhi

**Participants:** 5 Local Committee members, 1 police officer, 1 Nodal Officer

**Date:** 20th April, 2022



***Training of Local Committee: East Delhi***

**District:** South Delhi

**Participants:** 6 Local Committee members

**Date:** 27th April, 2022

### **Observations from 3 districts of Delhi**

#### **North East district:**

- All 5 LC members were present, but had not been formally invited to be a part of the LC, and had received no orientation on their role and responsibilities as LC members
- 2 members of the LC were also members of the IC of the offices of the District Magistrate
- Communications gaps existed between LC members and District Administration, in terms of expectations, roles and responsibilities
- Although the LC exists on paper, and has been constituted in compliance with the law, the LC members had never held ad-hoc meetings to discuss the functioning of LC. Further, certain LC members were meeting each other for the first time at the orientation session
- It has been observed that sexual harassment at workplace is often perceived as a 'women's issue'. The impacts of such relegation were evident during the orientation, in which female participants were far more active and willing to participate, as compared to their male counterparts

#### **East district:**

- Members of the Local Committee had never been trained previously on the issue of sexual harassment at workplace, and their role and responsibilities under the law

- Particularly in the case of women domestic workers, there had been no precedent set for successful redressal of complaints. In fact, the LC members reported that they had never received complaints from women working in the informal sector
- LC members of the district were also playing a dual role as IC members in the offices of the District Administration, which would have a direct impact on their ability to pay either role.
- Processes have not been formalised, with regard to an office space for LC and IC members or a Standard Operating Procedure, among other gaps that impede the functioning of the LC.
- The LC was all-female, with no representatives from other genders; the LC members were also unaware about their role in ensuring every worker in the district knew their names and contact information. Other gaps in formation of the LC included the fact that the Sub-District Magistrate was unofficially carrying out the role of the 'employer', at the behest of the District Collector. By law, the role and responsibilities of the employer at district level rest with the District Collector only. Further, the Sub-District Magistrate was also one an appointed Nodal Officer, responsible for forwarding complaints from informal workers to the LC, which was in direct conflict with his position as a senior member of the District offices.

#### **South District:**

- Although the LC had been formed, two members of the LC joined many months after its formation. LC members had not received any training on the issue, their roles and responsibilities.
- The LC has a registered email address to be able to receive complaints or questions, however it isn't properly functional.
- The only point of contacts for the LC, who were not formally intimated about their selection to the committee, within the District Administration were the Sub-District Magistrate or the Additional District Magistrate

#### **Challenges**

The orientation sessions for Local Committee members all leveraged participatory training methodologies, and LC members therefore also had a platform to voice challenges they have been facing to function as LC and recommendations to strengthen their ability to carry out their role and responsibilities:

- Lack of designated space for LC members to use for meetings, receipt of complaints, and consultations. With a designated space, LC members felt that it would also be easier for aggrieved women to access them.
- Appointment of Nodal Officers and LC members is often done on paper, and members aren't informed about their tasks and responsibilities under these roles. District authorities should have a standard operating procedure for selection and appointment of LC members, nodal officers, including their orientation and training.
- There is no budget for LCs to function. Further, as LC members are all working professionals, who are not compensated for performing their duties under the Act, LC members are forced to choose between their jobs and their role in the LC. A mechanism that allows LC members to be able to give time to their duties and a budget for functioning of LCs is essential to ensure effective functioning of LCs.
- A greater institutional buy-in from District authorities is essential to broaden the scope and functionality of LCs. LC members, for instance, reported that there was resistance from district authorities on organising training sessions. Moreover, even

among District authorities, the perception remains that the issue of sexual harassment is a 'women's issue' and therefore, not taken very seriously. Rigorous orientation and sensitisation of district authorities on the seriousness of the issue and its impacts must be a part of the Standard Operating Procedures.

### Way Forward

Strengthening of Local Committees is a crucial step towards creating a strong institutional system for the prevention, prohibition and redressal of experiences of sexual harassment in the world of work of women domestic workers. In the context of Delhi-NCR, the next steps to be incorporated include advocacy initiatives for the setup of LCs in every one of the 13 districts. Further, MFF and women domestic workers will advocate for each LC to be trained on their role and responsibilities and the creation of Standard Operating Procedures keeping with the challenges highlighted by members of LCs, for District Administration, Local Committees and police to ensure institutional responses to complaints by women domestic workers are time-bound, prompt and sensitive.