

Ending Sexual Harassment: Making Institutions Accountable towards Women Workers in the Informal Sector

Context

Goal 5 of the UN Sustainable Development Goals aims to eliminate all forms of discrimination and violence against women in the public and private spheres and to undertake reforms to give women equal rights to economic resources and access to ownership of property.

Over 94 percent of India's working population is part of the unorganised sector, 50% of which are women. Women also account for almost 51% of the total construction labor force in India and they are almost exclusively engaged in unskilled, casual, manual labor. Domestic workers comprise a significant part of the workforce in informal employment and are among the most vulnerable groups of workers. It has been estimated that there are 4.2 million domestic workers in India.

The employment relationship of the domestic workers is mostly disguised, ambiguous and not clearly defined. They work for private households, often without clear terms of employment, and excluded from the scope of labor legislation. Their multiple vulnerabilities include irregular work, little or no bargaining power and lack of control over their earnings.

Working inside a private home with no control of any regulation mechanism allows domestic workers to become victims of different forms of harassment. Since they do not have any protection at their workplace against employers or other family members, they have no place to go. This is particularly problematic for women workers many of whom are primary earners for their families. For these women, quid pro quo situations of sexual harassment at the workplace in the form of verbal, nonverbal, visual and physical sexual advances is an everyday occurrence.

Despite the many efforts from different unions and organisations in the last 60 years, there is still no comprehensive law to protect the rights of domestic workers.

It will not be wrong therefore to say that sexual harassment of domestic workers in their world of work is not only a gross violation of the Human Rights of a domestic worker but is a direct reflection on the indicators of SDG 5.

In India, the Sexual Harassment of Women at Workplace (Prevention, Prohibition, Redressal) Act was passed in 2013. It recognizes that sexual harassment results in the violation of a woman's fundamental right to equality under Articles 14, 15 and 21 - which provide for equality under the law, prohibition of discrimination on grounds of religion,

race, caste, sex or place of birth, and protection of life and personal liberty. The Act provides protection against sexual harassment of women at work and for the prevention and redressal of complaints of sexual harassment within the workplace.

The Act clearly defines and includes in its ambit both formal and informal workers. It mandates the constitution of an Internal Committee (IC) at the institutional level and a Local Committee (LC) at the district level for prevention, prohibition and redressal of sexual harassment. The constitution of LC and its effective functioning is of particular relevance for the informal sector. But despite having such a law, a large majority of women are still regularly subjected to sexual harassment in all its forms in India.

According to a study conducted in 2017 through the project, out of 655 districts in the country, only 191 districts were found to have setup a LC; out of these only 18% had conducted orientation of members or awareness programmes, 97% did not respond about SC/ST membership, four districts, one each in Jharkhand, Uttarakhand and Punjab (two) had male chairpersons, 11 districts had no NGO representative and 103 replied to say that they are yet to establish an LC. In Delhi, out of 11 districts, only 3 had constituted LCs and in Haryana, out of 20 districts, only 13 had constituted LCs. With the absence of LCs in many parts of the country and LC members unaware about their roles and responsibilities, it is needless to say that domestic workers continue to lack the necessary support to prevent sexual harassment at workplace.

The project “Ending Sexual Harassment: Making Institutions Accountable towards Women Workers in the Informal Sector” was a collaborative effort of the Martha Farrell Foundation (MFF), PRIA and Embassy of Netherlands in India.

It aimed to enable safe, secure and dignified workplaces for women domestic workers. It has also been focusing on strengthening redressal mechanisms and preventive measures, where it has been working closely with District Administration, unions and civil society organizations to mainstream the issues of sexual harassment of women workers in the informal sector.

Major Accomplishments of the project so far

The overall accomplishments of the project have been the following:

1. Research:
 - a. Mapping of 80 domestic workers through case studies and in-depth interviews from Gurgaon, Faridabad and South Delhi
 - b. Mapping of Local Committee in India
 - c. Arts based research by domestic workers on their lived experiences of sexual harassment at workplace

- d. Mobile based assessment by domestic workers to understand how domestic workers are “managing” when faced with sexual harassment at workplace
 - e. Participatory Safety Audit of Workplaces of Domestic Workers from Haryana and Faridabad.
2. Awareness generation:
- a. Engaged more than 7000 active users on Social Media through Twitter, Facebook and blog posts on the project
3. Capacity Building:
- a. Of more than 3000 domestic workers from the three districts through focus group discussions and meetings.
 - b. Training of domestic workers organisations including organisations and unions representing domestic workers on sexual harassment of women at workplace Act
 - c. Training of domestic workers to enable them to take forward messages of awareness, empowerment and rights to other domestic workers and so that they can ask for their rights
 - d. Training of Local Committee of South East Delhi
 - e. Training of all nodal officers in South East District Delhi
 - f. Responsible for the training of more than 600 Aanganwadi workers in South East Delhi
 - g. Training of central Internal Committee of North Delhi Municipal Corporation
4. Advocacy:
- a. Multi Stakeholder Consultation in Gurgaon with government officials and local committee members where domestic workers presented their safety maps and discussed issues of their safety
 - b. State Level Consultation in Delhi during which the domestic workers presented both their studies to the Deputy Chief Minister of Delhi and pressed for proper implementation of sexual harassment at workplace Act.
 - c. During the same consultation, experiences of a pilot testing of an implementation model in South East District of Delhi made possible through the project was shared with the Deputy Chief Minister and pushed for formal recognition
 - d. Social media campaign that targeted the middle class family with the message that your home is someone’s workplace had an outreach of 2.9 million on social media
 - e. A National Consultation which was a country-wide multi-stakeholder dialogue for enabling safe and dignified workplaces for women workers in the informal sector. More than 80 domestic workers from across the country came together in Delhi where for the first time the issue of sexual harassment at workplace of domestic workers was deliberated upon in a national forum.

- f. Domestic workers issued a National Call for Action asking for a drafting of rules that would clearly define a redressal mechanism for domestic workers
5. Knowledge products:
- a. Online Training Module in English and Hindi on the Sexual Harassment of Women at Workplace Act
 - b. A-Z alphabet book on sexual harassment at workplace in Hindi and English
 - c. Set of 5 posters in Hindi and English on Sexual Harassment at Workplace
 - d. A video documentary on the issue of sexual harassment of domestic workers

Successful milestones of the project so far

1. Responsible for raising for the first time the issue of sexual harassment of domestic workers in their world of work
2. The only initiative even today that is working solely on the issue of the Right of Domestic workers to a workplace free from harassment and violence
3. Influenced other civil society groups/organisations, unions and domestic workers organisations to include the issue of sexual harassment of domestic workers on their agenda
4. Responsible for bringing to the National forum the issue of sexual harassment of domestic workers in their world of work
5. State Level consultation held in Delhi, presided over by the Deputy Chief Minister of Delhi was led by domestic workers
6. Responsible for constituting Local Committees in all 11 districts of Delhi
7. For the first time, findings from an art based research done by domestic workers became the catalyst for a change at that level – they were able to get the law implemented 5 years after it was passed
8. Brought together for the first time domestic workers, domestic workers organisations and representatives and unions to deliberate together on the issue
9. The first National Call for Action on the issue of safety of domestic workers in the world of work was drawn
10. Created and piloted an implementation model for the law in South East District of Delhi that ensured outreach to every women worker in the district
11. Produced knowledge materials to educate all levels of stakeholders

The project has made considerable progress to conceive, assess and make visible the issue of safety of domestic workers in their world of work as had been envisaged at the time of conceptualization. It has also as shared above, been able to influence the formation of redressal mechanisms. It has also been able to coalesce at the national level domestic workers and representative organisations.

However, arriving at this point took a considerable amount of time due to the challenges arising out of:



- Making inroads with domestic workers. It was a challenge to build community and trust with domestic workers especially on the issue of sexual harassment at workplace. Other challenges were due to the invisibility of their work, disguised employment, work timings etc.
- Engagement with government departments who are responsible for the implementation of this Act.
- Lack of commitment on the issue and towards addressing the issue of sexual harassment of domestic workers.
- Challenge has been in bridging gaps between the employer and the employee of power, entitlement, rights and responsibilities
- Getting consensus on compliance vs meaningful compliance