

EVENT REPORT

State-level consultation for the effective implementation of Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 for women workers in the informal sector

Delhi, February 2024



Venue: Vishwa Yuvak Kendra, New Delhi

Date: 22 and 23 February, 2024

Summary

The Martha Farrell Foundation (MFF), together with women workers from the informal sector, organised a two-day state-level consultation on the effective implementation of the Sexual Harassment of Women at Workplace (Prevention, Prohibition, Redressal) Act 2013 (SHW Act) on 22 and 23 February 2024 at Vishwa Yuvak Kendra, New Delhi, supported by the United Nations Trust Fund to End Violence Against Women.

The participants included Women Domestic Workers (WDWs) from 10 districts of Delhi and Gurugram (Haryana), as well as Local Committee (LC) members, civil society organisations, legal professionals, media representatives, and researchers.

Within the broad category of informal workers in India, which includes hawkers, construction workers, gig workers, and home-based workers, domestic workers form a significant group that is particularly vulnerable to sexual harassment and violence due to their isolation in private homes and exclusion from key labour protections afforded to other workers. Despite the growing demand for recognition of domestic workers and enhanced protection for their safety, they remain in a position where they lack the space to voice and report the harassment they experience in their world of work.

The purpose of the consultation was to create a safe space for WDWs and LCs to discuss and deliberate on a collaborative approach to ensuring a sensitive and responsive justice delivery system. This was achieved through roundtable discussions between the domestic workers, LC members, and representatives from civil society organisations, as well as capacity-building sessions with LC members on the SHW Act.

The discussions highlighted gaps in the SHW Act and its implementation, which have contributed to significant challenges for both WDWs and LC members. The consultation provided a platform for both groups to voice their difficulties and propose potential solutions. Key recommendations that emerged from the consultation included raising awareness among WDWs and the general public on sexual harassment and the SHW Act, improving police capacity to handle workplace sexual harassment cases, appointing Nodal Officers in each district, and establishing toll-free helplines to overcome accessibility barriers. Furthermore, there was a call to review complaint redressal procedures, create a supportive ecosystem for LCs, enhance collaboration between agencies, and ensure that the government provides the necessary funding and directives for the effective implementation of the SHW Act.

These findings will be documented and shared with the Department of Women and Child Development, Government of NCT of Delhi, to advocate for policy changes and amendments to the Act, as well as with District Administrations to ensure effective implementation of the Act at the district level.

Background

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (SHW Act), offers protection to all workers in both the public and private sectors, including domestic workers. As per ILO Convention 189 (Domestic Workers Convention, 2011), domestic work is defined as “work performed in or for a household or households, within an employment relationship and on an occupational basis.” Domestic workers represent one of the most vulnerable groups in the workforce, often rendered invisible as labour and systematically excluded from the rights guaranteed in the four Labour Codes¹ for India.

The #MeToo movement erupted globally in October 2017, drawing attention to the pervasive nature of gender-based violence and sexual harassment in the workplace. In India, the movement predominantly focused on women in English-speaking media and the entertainment industry who had the means to use the internet and social media to share their experiences of workplace sexual harassment. While some voices from marginalised communities and civil society attempted to advocate for informal workers within social media spaces, highlighting their specific vulnerabilities, the discussion largely remained disconnected from the on-ground realities due to limited internet access and representation for these communities.

In 2018, 291 women domestic workers participated in a mobile-based [survey](#) on sexual harassment in the workplace, which was organised and conducted by the workers themselves. Of these participants, 84 women (29%) reported having experienced sexual harassment at work. Among these 84 women, 19% chose to ignore the incident, 15% confided in friends or co-workers, 13% altered their routes to work, and 2.3% felt compelled to quit their jobs. Seventeen women filed complaints with the police, but none could provide details on the outcomes of their complaints. Only one woman was able to report the harassment within the building where it occurred. Furthermore, none of the women approached their district's Local Committees (LCs), highlighting the ineffectiveness of the provisions of the SHW Act.

In light of these findings, women domestic workers organised a State Level Consultation in 2018 with Shri Manish Sisodia, then Deputy Chief Minister of Delhi, to address the issue of sexual harassment in their workplaces. This consultation provided them with considerable courage and hope, as his commitment to the cause led to the prompt establishment of LCs in all 11 districts of the state. However, in an [audit](#) conducted by MFF in September 2021, out of the 11 districts of Delhi only 1 district provided information related to LCs (as of 2021) that are accessible to the women working in the informal sector.

¹ The Code on Wages 2019, The Industrial Relations Code 2020, The Code on Social Security 2020, The Occupational Safety, Health and Working Conditions Code 2020

Against this backdrop, another [state-level consultation](#) was held in Delhi in 2022, where leaders of women domestic workers, construction workers, street hawkers, and home-based workers sought to propose solutions for ensuring meaningful compliance with the SHW Act. During the discussions, it was highlighted that women informal workers faced significant levels of sexual harassment in their workplaces, and there remained a persistent lack of awareness regarding the SHW Act among these workers, particularly concerning the existence of LCs.

Following this second consultation, women informal workers in Delhi launched an active campaign for the effective implementation of the SHW Act across all 11 districts. Despite facing numerous challenges, their relentless efforts—including the presentation of recommendations and grassroots mobilisation—yielded significant progress. By 2023, every district in Delhi had successfully re-established a Local Committee under the SHW Act², showcasing the power of grassroots advocacy and community mobilisation.

However, ongoing discussions with WDWs revealed that, despite the establishment of LCs, these bodies remained largely inaccessible to them. This concern was further supported by a [study](#) conducted by MFF in 2023, which indicated that, despite having access to information about the LCs, 90% of women informal workers expressed uncertainty and hesitation in reporting complaints to these committees. Further interactions with the LCs also highlighted the challenges faced by the members in fulfilling their roles, including the lack of allowance payments despite their expertise and commitment to addressing these issues.

These findings underscored the need for a collaborative approach between WDWs and LC members to ensure the effective implementation of the Act. During this recent consultation, WDWs and LC members united on a common platform for the first time to discuss the challenges they faced and to propose steps for the meaningful implementation of the Sexual Harassment at Workplace (SHW) Act across all districts in Delhi.

Highlights of the discussions

Day 1: Round-table discussions

On the first day of the consultation, WDWs shared their experiences of sexual harassment at the workplace with the LC members, civil society organisations, legal professionals, media representatives and researchers, highlighting the challenges faced by them in accessing the redressal mechanism under the SHW Act. To overcome these challenges, they provided

² Data sourced from a RTI [study](#) conducted by MFF in 2023

trauma-informed and survivor-centred solutions to the LC members, and demanded for the effective implementation of the SHW Act in all districts of Delhi.

Findings from the round table discussions

1. Lack of information and awareness: Women domestic workers lack essential knowledge about sexual harassment and the SHW Act, including its provisions regarding LCs, Nodal Officers, and redressal procedures.

Recommendations:

- Utilise various public messaging platforms, including social media, hoardings, radio, and television, to educate WDWs, formal employees, employers, administrative authorities, and the general public about sexual harassment and the SHW Act.
- Engage Anganwadi workers as grassroot facilitators to raise awareness among informal workers and employers about the SHW Act.

2. Inadequate response from law enforcement agencies: Law enforcement agencies, particularly the police, exhibit insufficient support for the rights of WDWs as guaranteed under the SHW Act.

Recommendations:

- Build police capacity on sexual harassment and their role in enforcing the SHW Act for WDWs.
- Increase the visibility of LCs by displaying the names of LC members at police stations to raise awareness and facilitate access to grievance redressal mechanisms.

3. Accessibility hurdles: The long distances between WDWs communities and the LC offices pose significant accessibility challenges for filing complaints of sexual harassment.

Recommendations:

- Appoint Nodal Officers at every block/sub-division within a district to oversee implementation efforts and ensure adherence to legal provisions.
- Establish a district wise toll-free helpline number to facilitate direct communication with LCs, and provide immediate assistance to women seeking information or redressal under the SHW Act.

4. Lack of Trust in the Redressal Procedure: The SHW Act mandates LCs to transfer complaints of sexual harassment from WDWs to the police within 7 days³. However, WDWs often mistrust the police, due to fears of confidentiality breaches and discrimination, deterring them from filing complaints under the Act.

Recommendation:

- A review and re-reading of the law should be done to address evolving challenges and ensure the continued relevance and effectiveness of the Act in combating workplace sexual harassment for WDWs.

Day 2: Closed-door discussion

On the second day of the consultation, a closed-door session was convened exclusively for Local Committee (LC) members to reflect on their experiences in discharging their duties under the SHW Act. This session provided a valuable platform for LC members to openly share their insights, discuss their roles and responsibilities, and explore strategies to strengthen the implementation of the Act.

The members also examined their interpretation and implementation of the provisions of the Act, particularly in relation to managing complaints of sexual harassment from women domestic workers and other informal sector workers. A legal expert participated in the discussion, offering valuable insights into the finer details of the SHW Act and practical advice on how to apply its provisions more effectively.

This session was critical in identifying key areas where improvements could be made to ensure the efficient and fair implementation of the Act. The meeting helped foster a collaborative atmosphere where the LC members could brainstorm and propose potential solutions to the challenges they face in their efforts to deliver justice under the SHW Act.

Key takeaways from the legal consultation

- 1. Acknowledge subjectivity:** LC should recognise the subjective nature of sexual harassment experiences and act accordingly as per the law.
- 2. Complaint filing protocol:** Complaints must be filed with the respondent's committee and it cannot be filed against strangers or the general public, as per the Act.
- 3. Dual redressal avenues:** Complainants can seek redressal simultaneously under the SHW Act (civil remedy) and appropriate criminal laws.

³ Under section 11 (1) of the SHW Act, 2013

- 4. LC jurisdiction:** LCs can only handle those cases where complaints come from establishments with fewer than 10 employees, or if the complaints are against the employer.
- 5. Confidentiality guidelines:** LC should ensure that confidentiality is practised in every case and that there is restriction on sharing case details without court orders.
- 6. Adherence to timelines:** The Local Committee should adhere to the timelines provided under the act and provide explanation to the parties in case it is unable to do it.
- 7. Principles of natural justice:** LC should adhere to the principles of natural justice for complaint redressal to ensure equal opportunities for both parties to put their side forward.
- 8. Right to appeal:** The parties to a case have a right to appeal LC decisions with the Appellate Authority which varies by state, and they also have the option to appeal directly to the High Court of their respective state.
- 9. Grievance redressal for domestic workers:** LC should understand its limited role in handling complaints from domestic workers and lay down specific procedures for forwarding complaints to the police.

Conclusion

The recommendations proposed by both domestic workers and LC members highlight the critical necessity for more focused and sustained interventions aimed at addressing the pervasive issue of workplace sexual harassment. A key priority is the implementation of targeted awareness campaigns that not only inform women domestic workers (WDWs) of their rights under the SHW Act but also raise awareness among employers, law enforcement agencies, and the wider public. These campaigns should be accessible, culturally sensitive, and reach all sectors of the community, particularly those who are typically excluded from formal legal protections and information networks.

In addition to awareness efforts, regular and systematic training initiatives are essential. These should be directed at all stakeholders, including LC members, police officers, district administrators, and employers, to ensure that they are fully equipped to respond to cases of sexual harassment with empathy, professionalism, and in line with the legal framework. Such training would enhance their capacity to engage with survivors and navigate the complexities of the SHW Act, ensuring justice is delivered effectively and sensitively.

The consultation also brought to light the importance of fostering stronger collaboration between various stakeholders involved in the fight against workplace sexual harassment. By

encouraging a coordinated approach, where civil society organisations, local government bodies, law enforcement, and workers themselves work together, it will be possible to create a more robust system of support and accountability. Sharing resources, expertise, and best practices between these groups will lead to improved prevention and response strategies, ultimately enhancing the effectiveness of the SHW Act.

The findings and insights gathered during this consultation will serve as a foundation for future advocacy efforts aimed at driving policy reforms and optimising the implementation of the SHW Act at both district and national levels. These findings provide crucial insights into the systemic challenges faced by women domestic workers in reporting and seeking redressal for cases of harassment. They also highlight significant gaps in the functioning of LCs, such as issues related to accessibility, capacity, and trust in the redressal mechanisms.

By advocating for necessary policy changes and stronger enforcement of the Act, stakeholders are laying the groundwork for a more secure, supportive, and equitable work environment. This will be particularly impactful for women domestic workers, who often operate in isolated settings and are disproportionately vulnerable to sexual harassment. Strengthening the implementation of the SHW Act and ensuring it is more responsive to the specific needs of informal workers will not only improve the workplace safety of WDWs but also contribute to the larger goal of ending gender-based violence and fostering an environment where all workers, regardless of their socio-economic status, are treated with dignity and respect.