

# Gist of EPW December Week 4, 2019

## Gender-based Violence and World of Work

### Context

- The most important factor in increasing women's employment is access to safe transport.
- In India, women often have no choice but to decline job opportunities that are far from home or that do not have proper transport connectivity. Forced immobility of women is a consequence of the violence and insecurity faced daily during the commute to and from work.

### Issue

- In terms of work, India has been losing women in the workforce.
- According to a corporate company's report, the female labour force participation fell from 36% in 2005 to 26% in 2018.
- Unsafe public spaces and public transport are some of the key factors that contribute to reduction in the female labour force.

### Safe Transport

- It cannot be emphasised enough that safe transport is the key to increasing women's employment.
- In the current environment, women often have no choice but to decline job opportunities that are far from home or that do not have proper transport connectivity.
- Unfortunately, forced immobility of women in India is a devastating consequence of the violence and insecurity faced daily during the commute to work.
- A recent positive is that the Delhi government has announced free public transport for women and this is a very positive initiative.
- However, it must be remembered that the impact of sexual violence is a high cost for women to pay whilst working on or using public transport in India. This issue is one that needs to be addressed in policymaking discussions as a priority.

### Shortcomings of Indian Laws

- The current national law on [sexual harassment in India](#) protects only women workers in the workplace and addresses only issues related to sexual harassment at the workplace.
- Another issue with the Act is that although the law covers the informal sector (especially domestic workers), the actual implementation pathways prevent these groups of workers from accessing it.
- The government body currently responsible for dealing with sexual harassment experienced by informal workers does not recognise third-party violence.
- The "new economy" scenario of work has created spaces that are beyond the understanding of conventional parameters.
- Different categories of the informal sector (which constitute the majority of the workforce in India) are too far from defined work relationships and therefore do not come under the purview of many of India's national labour laws.
- Sometimes, they also fall outside of the usual definitions of the workplace.

- Workers within these spaces can often face violence from these third parties. Sometimes, it is difficult to locate the third party as they are anonymous or untraceable after the violence has happened.
- For these reasons, the inclusion of a wide range of actors and the probabilities of violence within these exchanges is a matter of concern for workers in the informal economy.

## Types of Violence

- There are a number of gender-based and other violence faced by mostly workers of informal sectors which are outside the ambit of the current laws. Sometimes, informal economy workers experience violence from public and law-enforcement authorities themselves.
- Street vending is an example of such a category where many times, the vendors are displaced as illegal occupants of the footpath, and their goods are confiscated.
- Informal economy workers are also exposed to different kinds of vulnerabilities during their work.
- Domestic violence affects work productivity, not only for survivors facing the violence, but also for those perpetrating the violence.
- Studies conducted globally show that domestic violence has an economic cost to business and therefore should be viewed as a workplace issue.
- From a personal and worker perspective, it is critical for survivors of domestic violence to maintain their economic independence as they attempt to leave a violent relationship.
- According to a National Family Health Survey by the Union Health Ministry in India, every third woman, since the age of 15, has faced domestic violence of various forms.
- Domestic violence is so normalised that many survivors find it challenging to name the violence and report it.
- The violence is also often seen as a private matter. These norms are based in the deep-rooted patriarchal structures within society, the home, redressal and legal institutions.
- It is critical to work towards legal reforms by understanding the economic cost of domestic violence and the need to address it as a workplace issue.

## Gender-based Violence and International Forum

- The [#MeToo](#) global movement gathered huge momentum in India and had a ripple effect in various sectors of the country, with some high-profile celebrities being called out for their perpetration of sexual abuse and violence.
- The movement highlighted the global epidemic of gender-based violence and it encouraged survivors to disclose and report their harrowing experiences. This resulted in increased levels of reporting.
- These factors fuelled discussions in the global campaign to setup the International Labour Organization (ILO) convention 190 (C190) concerning the elimination of violence and harassment in the world of work.

## What Is C190?

- C190 is the first convention adopted at the ILO since the domestic workers' convention (C189) in 2011.
- C190 establishes that everyone has the right to a world of work free from violence and harassment, including gender-based violence and harassment.
- C190, along with recommendation 206 (R206), takes important steps that make it truly inclusive and future-ready. It defines what violence and harassment mean.

- The lines between harassment and violence are often blurred, and its intensity is subjective to one's experiences. Harassment is normalised in all cultures, due to its prevalence and the social/ cultural inequalities that underpin power relations.
- The language of the convention has its roots in the lived realities of workers globally, and defines violence and harassment as “a range of unacceptable behaviours and practices” that “aim at, result in, or are likely to result in physical, psychological, sexual or economic harm”.
- It is inclusive and leaves no one behind. Inclusivity was a founding pillar that shaped the language of C190 and Recommendation 206 (R206).
- The language included extends protection to all workers irrespective of their contractual status, including jobseekers, trainees, interns, apprentices, volunteers and others.
- With a clear priority that every worker in the world, regardless of age, disability status, race, ethnicity, indigenous status, sexual orientation, gender identity or any social marker, should feel that this international standard protects them, through the language used.
- C190 applies to “violence and harassment in the world of work occurring in the course of, linked with or arising out of work” including in public/ private spaces where they are in a place of work; during work-related trips, travel, training and work events/social activities; and in places where the worker is paid, take a rest break or meal, or uses sanitary, washing and changing facilities.

## What Has Been Achieved

- C190 and R206 concerning the elimination of violence and harassment in the world of work were adopted at the ILO centenary celebration in June 2019 with major support from member states.
- The convention presents a framework for an equal and just world of work and offers future protection for worker and human rights.
- The ongoing campaign and work towards the adoption of the convention has also highlighted the economic and social cost of violence and harassment in the workplace, and has established it as a core workplace issue.
- C190 and R206 set clear guidelines for ratification and implementation, and the ILO has committed to a ratification campaign to guide member states on this.

## Significance of C190 for India

- For India to ratify this much-needed C190, a long process of lobbying lies ahead for trade unions, civil society organisations, women's rights groups and human rights groups.
- As we have already discussed, there are significant gaps in our national laws and C190 offers ways in which these can be filled.
- In 1993, the Indian government ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which addresses gender-based discrimination.
- As C190 has particular emphasis on gender-based violence, this is a great opportunity for the Indian government to address current gaps and reform existing laws to shape a future of work based on dignity and respect, free from violence and harassment.

## Conclusion

- In the Indian context, C190 highlights inclusive definitions and mechanisms to include various sectors of workers with more specified references.
- Violence and harassment in the world of work cannot be demarcated in one coherent and tangible approach; rather it needs to have a pluralistic outlook depending on the context.

- The inclusions of commute to and from work, domestic violence and third-party violence are classic examples of this approach.
- The ratification campaign needs to be rooted in local actions to lobby governments in order to utilise this opportunity for legal reforms. National trade unions need to work collectively to bring the issue of violence to the centre of the labour movement in India and lead the way of change.
- Continued efforts must be made to spread awareness, work collectively with alliances and integrate convention language in union policies and in our workplace agreements, in order to convert this convention into a living reality for workers nationally.

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