

ENTRENCHING GENDER BASED GRIEVANCE REDRESSAL MECHANISMS IN UNIONS OF SOUTH ASIA



**Public Services International
South Asia Sub Regional Office**

**Bangladesh Institute of Labour
Studies - BILS**

Entrenching Gender based grievance redressal mechanisms in Unions of south Asia

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LIST OF ACRONYMS

BILS	: Bangladesh Institute of Labour Studies
CB	: Collective Bargaining
CBA	: Collective Bargaining Agreement
CCTV	: Closed-Circuit Television
CEDDAW	: Convention on the Elimination of All Forms of Discrimination Against Women
COVID-19	: Coronavirus Disease-19
CSOs	: Civil Society Organisations
DV	: Domestic Violence
EU	: European Union
FoA	: Freedom of Association
GBVH	: Gender-Based Violence and Harassment
ILO	: International Labour Organisation
NGO's	: Non- Government Organisations
OHS	: Occupational Health and Safety
PSI	: Public Services International
RMG	: Ready Made Garment
TUs	: Trade Unions
WHO	: World Health Organisation
UFEA	: Uganda Flower Exporters Association
UHAWU	: Uganda Horticulture and Allied Workers' Union
UNDP	: United Nation development programme
UNFPA	: United Nations Population Fund
WEF	: World Economic Forum

EXECUTIVE SUMMARY

A safe workplace free from GBVH is a right to every working woman. At practice level, upholding this right is however challenging, dependent on a number of associated other factors. A conducive legal framework is the first and foremost condition. Corresponding to the legal framework, establishing a defined structure, authority and process is another vital prerequisite. A last must leading precondition is to have a vibrant workers organization in the workplace which we have subsequently referred to this document as 'Gender Safe Union'.

What about the real statuses of the above-stated three must set arrangements in the South Asian countries particularly in Bangladesh, India, Nepal, Pakistan, and Sri Lanka – that was the leading research question. BILS in partnering with PSI South Asia regional office endeavored to conduct a small piece of research on this. Only the public services sectors such as Utilities, Local Regional Government, Public Administration and Health sector are studied.

We thoroughly researched the relevant literature, identified gaps in existing structure, authority and processes, and incorporated the perspectives of national and regional trade union leaders. Carrying out this work was exceptionally challenging due to the dearth of publications in this area and limited information from union-level practice, it was unquestionably an enriching experience.

Research findings show that the last signed ILO Convention 190 and its supplementary recommendation 206 have set necessary international legal codes and standards to address GBVH in the world of work. South Asian countries however, are not in any comfort zone in this. Individually, South Asian countries have numerous legal instruments to address general types of GBVH. Several of them have separately framed legal instruments to address sexual harassment in the world of work. But these legal instruments were mostly framed before the ILO C-190 came into force, and thus mismatched with them in many aspects. The first gray area identified is that country level legal instruments are not full and complete. Despite plenty of legal instruments, South Asian countries clearly lack an inclusive, integrated and gender-responsive legal regime to effectively address GBVH in the world of work.

A second main finding obtained that whatever good is there in the country level legal frameworks, status of implementation is rather poor. There is both lacking and haziness

regarding supplementary structure, authority and processes for complaint/grievance reporting and handling and the accountability is never clear.

At union level, we find that GBVH is only a secondary issue of consideration after monetary aspects and is often overlooked. Only a very few women report the incidents of GBVH as the unions are yet to create a culture of women reporting and relying on the union to protect them against GBVH at the workplace. The practice of building a safe space for women employees thus falls far short.

Recognizing these gaps, initially, we identified specific benchmarks and roles to play internally and externally to prepare a gender-safe union. Internally, unions must adopt a firm stance in support of a safe space for women trade unionists, particularly concerning representation, participation in decision-making, and fostering a conducive environment for working with women's issues. Externally, unions must be ready and functional in the workplace when it comes to GBVH. This involvement is not limited to the workplace. To effectively carry out their purpose, unions must also collaborate with the external larger environment, such as non-governmental organizations, academia, and other entities who are vocal in their opposition to combat GBVH and actively working on this issue nationally, regionally as well as at international level.

Finally, we want to acknowledge that unionists will do the actual work of shaping a Gender Safe Union in their specific context and we have only provided a framework and a set of materials to assist. We also hope that this research will aid future efforts in this to make the world of work free from violence and harassment.

Entrenching Gender based grievance redressal mechanisms in Unions of south Asia

INTRODUCTION

Gender based violence and harassments (GBVH) such as sexual harassment, physical violence, psychological violence, economic violence and domestic violence is rampant worldwide. This is common to all sectors either private or public. According to one estimate of the WHO, 1 out of every 3 women worldwide suffers from gender-based violence and harassment¹. In South Asian countries like Bangladesh, India, Nepal, Pakistan, and Sri Lanka, gender-based violence is a daily reality for thousands of workers. COVID-19 has further exacerbated the issue. A recent UN Women research has reported a significant increase in violence against women during COVID-19. According to this research, 45% women either themselves or their known one has experienced a form of violence since COVID-19². What is worth noting is that GBVH is now fairly recognized as a violation of women's human rights and is unacceptable worldwide. Every different development stakeholder worldwide is vocal to put an end to this. Numerous international conventions and treaties have been signed aiming to combat GBVH. Countries at the national level are increasingly adopting laws and policies on this.

Nevertheless, legal instruments to address GBVH in the world of work, are limited. It is in 2019, ILO first signed 1 full convention on this following which a supplementary full recommendation is further signed. South Asian countries however are ahead in this practice. Mostly, South Asian countries have dedicated legal instruments to address sexual harassment in the world of work, and they mostly framed before the ILO's legal instruments came into force. Apart from this, South Asian countries are abundant with different legal instruments to address general types of GBVH including domestic violence.

There are gray areas too. Our analysis suggests that despite plenty of legal instruments, South Asian countries clearly lack an inclusive, integrated and gender-responsive legal regime to effectively address GBVH in the world of work. A second main concern analysed is that whatever good is there at the legal level in the South Asian countries, their implementation and practice level addressing of GBVH particularly at the workplace is seriously question marked. No reporting and under reporting are predominant.

¹ World Health Organization (WHO) (2013) *Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence*.
<https://www.who.int/reproductivehealth/publications/violence/9789241564625/en/>

² UN Women (2021) *Measuring the shadow pandemic: Violence Against Women During COVID-19*
<https://data.unwomen.org/sites/default/files/documents/Publications/Measuring-shadow-pandemic.pdf>

Thirdly, GBVH either materialized at work place or at domestic household level have repercussions on the world of work. Abused women in general have a 'poor performance' and on the other hand there are health and safety risks. So, it is important that workplace related policies/laws have covered domestic violence too. ILO Convention 190 has included clear provisions on this. Most of the Country level legal frameworks however missed any such legal provisioning to address domestic violence at the workplace.

A fourth but most important inadequacy is that trade unions are yet to effectively engage in protecting GBVH at work in the South Asian countries. Workers representatives must be the main right defenders at the workplace. But, TUs have only a limited understanding and capacity. Mostly, TUs lack a gender policy and the corresponding structure, mechanism and processes. Role of collective bargaining as a means to protect GBVH is critically under-utilized. On the other hand, TUs are seldom part of the law/policy formulation processes.

Given the above-stated analyses of gaps particularly in the South Asian country's context, there is clearly a need to capacitate TUs to better address GBVH in the world of work. For this, research and systematic generation of knowledge is a first and foremost pre-requisite. Bangladesh Institute of Labour Studies – BILS in partnership with the Public Services International (PSI) South Asia regional office recently endeavored to conduct a small piece of research in this. Under this research, relevant legal frameworks persisted both at 1) global level, and 2) in the South Asian countries particularly in Bangladesh, India, Nepal, Pakistan and Sri Lanka to address GBVH in the world of work are reviewed critically. Next to this, an assessment of the effectiveness of the TU's practiced complaints/grievance mechanisms is made. Based on all of these, finally, a draft outline is drawn for a gender violence safe union. This report narrates the research context, methodology, and findings.

METHODOLOGY³

Five countries are covered i.e., 1) Bangladesh, 2) India, 3) Nepal, 4) Pakistan, and 5) Sri Lanka. Four (4) public services sectors are studied such as 1) Utilities, 2) Local Regional Government, 3) Public Administration, and 4) Health sector. Information is collected from both primary and secondary sources. A combination of both quantitative and qualitative research approaches, methods, and respective tools and techniques are used. Necessary secondary information and resources are collected from relevant secondary and primary sources, followed by a first-cut screening, and finally a desk based in-depth review. 39 trade unions from Bangladesh, India, Nepal, Pakistan and Sri Lanka are surveyed using a semi-structured questionnaire. These trade unions are affiliated members of the Public Services International. Apart from these, zoom based online consultation and interviews are conducted to encounter any information gap.

³ Detailed methodology is attached as annex

FREE FROM GBVH IS A WOMEN HUMAN RIGHTS

GBVH, in its most simplistic sense, refers to a situation in which a violence is created by a man against a woman. Theoretically, it is because of the social and cultural factors such as patriarchy and unequal power relations that particularly favors a domination role from the men and a subordination role from the women, GBVH is perpetuated (Casique and Furegato, 2006). As such, until the first half of the 20th century, social conditions worldwide were analyzed as supportive towards GBVH. At the beginning of the second half of the 20th century, women activists from Western countries started challenging this issue publicly, as well as demand for effective measures to stop it (Ibid). By the end of the second half of the 20th century, this issue of GBVH was established as a violation of women's human rights. The UN convention on the Eradication of violence against women 1993, CEDAW 1979 and its general recommendation 19 and the Beijing declaration 1995 have particularly established that it is a right to every woman to live free from violence and harassment (UN Women, 2015). By now, there has been a growing intolerance to GBVH worldwide. Every different development stakeholder worldwide is vocal to put an end to this. The elimination of all forms of violence against women is now part of the 2030 Agenda for Sustainable Development Goal (target 5.2 & 5.3).

LABOUR RIGHTS PERSPECTIVE OF GBVH

From a labour rights perspective, the focus is rather narrow to cover only the world of work. Convention 190 of ILO clearly specified that it is a labour right of every woman to a world of work which is free from GBVH. Greater analyses further suggest that in the world of work, connected to GBVH, economic aspects of analyses override the social and cultural aspects of analyses. More particularly, GBVH directly causes economic deprivation to the respective woman, it is a threat to equality of opportunity as well as incompatible with decent work (C-190, ILO), whereas the social and cultural vulnerability of the respective women are indirect in the world of work.

Numerous international human rights documents have mentioned previously this labour rights connection of GBVH such as CEDAW general recommendation No. 35 specifically has mentioned workplace related violence (CEDAW, 2017, para. 20). They are however not so explicit and detailed. In 2019, ILO has signed a full Convention on Violence and Harassment (C-190). Subsequently, another full supplementary recommendation is signed on this (Recommendation 206, 2019). These two international labour rights documents for the first time provided comprehensive guidelines to address GBVH in the world of work. Beyond the traditional approaches, both of these ILO documents have unambiguously incorporated first time domestic violence to address in the world of work. Preamble section of the Convention 190 reads, "Domestic violence can affect employment, productivity and health and safety, and that governments, employers' and workers' organizations and labour market institutions can help, as part of other measures, to recognize, respond to and address the impacts of domestic violence."

Country level legal frameworks particularly those of the studied South Asian countries are mostly framed and implemented before these two ILO documents came into force and clearly mismatch with the ILO documents. There is both a clear scope and a need to frame and adopt new and comprehensive legal instruments in these countries to address GBVH in the world of work, which we have discussed in the subsequent sections.

DEFINING GBVH IN THE WORLD OF WORK

Relative to countries historical, legal and cultural contexts, definitions of violence and harassment and particularly GBVH in the world of work varies significantly from country to country and there is no unique and/or universally accepted definitions of these terms (de Hann, 2008, & Chappell and Di Martino, 2006). Despite the differences, there is also a great deal of common ground. Convention 190 of ILO has brought together all the common elements into a single definition, which we thought it safe to put here, since they have a greater acceptance among different stakeholders in the world work.

Violence and harassment in the world of work

A range of unacceptable behaviors and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment (Article 1, C-190 of ILO).

GBVH in the world of work

"Violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment" (Article 1, C-190 of ILO).

DIFFERENT TYPES OF GBVH IN THE WORLD OF WORK

Literature reviews suggest that including newly incorporated domestic violence, seven (7) types of GBVH are prevalent in the world of work. They are as follows:

1) Physical violence: (ILO et al., 2002)	Beating, slapping, kicking, blowing, pinching, pushing, hitting, objects throwing, and to the extent murder
2) Psychological: (Forastieri, 2012, page 114)	Verbal abuse: humbling, insulting, ridiculing, humiliating etc. Intimidation: scaring looks, gestures/screams, throwing objects, financial loss etc. Threats: to hurt, kill, commit suicide, take away the children etc. Isolation: watching over acts/movements, listening conversation, blocking

	<p>Disdain: treating as inferior, ignoring, exclusion from decision making</p> <p>Online: online based threats and sexual harassment</p>
<p>3) Sexual: (McCann, D 2005)</p>	<p>Physical: unwelcome touching, fondling, hugging, kissing, close proximity, and to the extent rape</p> <p>Verbal: sexually suggestive comments, jokes, insinuations, or questions about private life, physical appearance, sexual orientation, sexual requests</p> <p>Non-verbal: inappropriate staring, sending/showing sexually explicit pictures or gifts, indecent exposure, sexual gesture</p> <p>Online: sending unwanted sexually explicit emails/messages/images, & online based sexual abusing</p>
<p>4) Economic abuse:</p>	<p>Abusive financial control, monetary rewards/punishments, denial of work, restriction from education, training and/or labour market</p>
<p>5) Social violence:</p>	<p>Acceptance or rejection socially through practicing of legitimated social myths and beliefs (Global Labour Institute, 2021)</p>
<p>6) Online violence:</p>	<p>Threats, insults, comments, cyberbullying, cyber-stalking, trolling, hate speech, sending obscene images and other online based abusing (Global Labour Institute, 2021)</p>
<p>7) Domestic violence:</p>	<p>Coercive control, psychological/emotional abuse, physical abuse, sexual abuse, economic abuse, harassment and stalking, online based abuse (Global Labour Institute, 2021)</p>

GBVH IN THE WORLD OF WORK: SCOPE AND COVERAGE

Stakeholders covered

C190 recognises that all women in the world of work have the right to a world of work free from GBVH (Article 2, C 190 of ILO), including:

- Employees
- Women employees irrespective of contractual status such as temporary workers, freelance workers, workers hired through platform businesses, subcontracted and outsourced workers
- Persons in training, including interns and apprentices
- Women workers whose employment has been terminated
- Volunteers
- Jobseekers and job applicants
- Individuals exercising the authority, duties, or responsibilities of an employer.

Sectoral coverage

It is a right to all women of all sectors to be freed from GBVH in the world of work, such as:

- A. Public sectors
- B. Private sectors
- C. Formal economic sectors
- D. Informal economic sectors
- E. Urban based working women and
- F. Rural based working women

(Article 2, C 190 of ILO)

Range of coverage

GBVH in the world of work recognizes every act of gender violence and harassment occur either in the physical workplace, or in the course of, linked with, or arising out of work (Article 3, C 190 of ILO), such as:

- Public spaces when it is a place of work
- Private spaces when it is a place of work
- Work-related events and activities, including off-site meetings and training
- Work-related trips and travel, and social activities such as parties
- When commuting to and from work
- In places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing and changing facilities
- In employer-provided accommodation
- Work-related communications including through information and communication technologies
- Violence and harassment committed by third parties such as clients, customers, service providers, services users, and members of the public.

IMPORTANCE TO PROTECT GBVH IN THE WORLD OF WORK

GBVH including domestic violence affects productivity and outputs and as such the respective office/enterprise and to the extent the entire world of work. Since,

- It causes a health affect (psychological, physical and sexual health) of the respective employee
- Infringe the worker's rights
- Office and works are no longer decent since dignity and self-esteem are affected
- Cause demotivation, poor performance and less attachment to the workplace. A Eurofound (2013) survey found that, following physical violence, workers were three times more likely to experience depression and twice as likely to report stress.
- Cause absenteeism
- Increases employee turnover. An Italian study found that 16% of employees resigned after being targeted for violence (Eurofound (2015) draws on data from the Italian National Institute of Statistics).
- Victims and the supportive co-workers may not feel safe
- Workplace relations impacted negatively
- Team work suffers
- Degrades quality of services delivery
- Victims' capacity and work potential diminished
- Career growth endangered when leave a job
- Organization culture impacted negatively
- Hampers company reputation
- The gender wage gap is exacerbated by the "spillover" of domestic violence into the world of work. One UN study shows that women workers in Vietnam who experience domestic violence earn 35% less than normal women (UN-Women, 2012).
- Social life affected negatively
- Often ended up with harmful coping practices like alcoholism or other drug addiction.
- It is estimated that the economic cost of violence is approximately 1.5 trillion US dollars globally. Loss of productivity, sickness, absenteeism, and loss of employment translates into these billions of dollars (ILO & UN Women, 2019).

PREVALENCE AND TRENDS OF GBVH IN THE WORLD OF WORK

There is substantial global level data on GBVH and on domestic violence. According to one WHO estimate, nearly one in three women in the world have experienced GBVH at some point in their lifetime. The same estimate suggests that 27% of women worldwide aged 15-49 years have been subjected to domestic violence either physical and/or sexual at least once in their lifetime. The prevalence estimates range from 20% in the Western Pacific, 22%

in Europe and 25% in the American regions to 33% in the African region, 31% in the Eastern Mediterranean region, and 33% in the South-East Asia region (WHO, 2017). The situation further exacerbated during and onward COVID-19 pandemic. One recently conducted UN Women survey finds that 45% women themselves or someone they know have experienced a form of VAW worldwide since COVID-19 (UN Women 2021).

Determining trends of GBVH in the world of work is however difficult since there is a dearth of statistics in this. No known large-scale study conducted so far globally to determine the status of GBVH in the world of work. Inside countries, statistics are often collected for a specific occupation, industry or group of victims and there is a lack of uniqueness of concept and methodology used (ILO, 2013). Due to fear factor, there is under reporting too (Milczarek, 2010; van de Griend and Messias, 2014). Thomas (2015) has found that the fear of disgrace, blame, and discouragement towards taking action from the management keep women from filing complaints against the perpetrators. Nevertheless, below, we have attempted to provide a few major characteristic features of GBVH in the world of work based on the available studies and surveys on this.

- Physical violence is a regular phenomenon in public services sectors. In Quebec, Canada during the period 2006–07, 5% of workers in the public services sectors reportedly have been assaulted physically, prevalence was highest in the health care and education sectors (Vézina et al., 2011). A German study in 2012 reported 56% of physical violence experienced by the health care and welfare services providers (Schablon et al., 2012).
- Psychological violence is another widely reported GBVH in the world of work. According to one estimate, the prevalence of bullying at work in Australia ranges between 22% and 33% (Parliament of the Commonwealth of Australia, 2012). It was estimated that 10–15% of suicides in Sweden each year are a result of mobbing (Leymann, 1990). One study reported that 14% to 20% of employees of the universities in the UK have been subjected to cyberbullying through email, text and web posts at least once a week (University of Sheffield, 2012). In Japan, in a survey of 4,580 enterprises in 2012, 45.2% of workers reported “power harassment” (Lerouge and Naito, 2016).
- Sexual violence though underreported, another common GBVH in the world of work. According to one study, 77% of South African women have experienced sexual harassment at some point during their working lives (ITUC, 2008). One review of studies reported that one out of every two/three working women in the EU countries has experienced some form of sexual harassment (European Commission, 1999). Sexual violence is reportedly widespread in low-paid RMG factory work and supply chains (Fair Wear Foundation et al., 2013) and in traditionally high-income, male-dominated occupations such as science, technology, engineering and mathematics (Holland and Cortina, 2016).

PREVALENCE AND TRENDS:

PERSPECTIVES OF SOUTH ASIAN COUNTRIES

Again, from available reliable data sources, it is only possible to suggest a general trend of GBVH and domestic violence in the studied South Asian countries particularly for Bangladesh, India, Nepal, Pakistan and Sri Lanka. But, determining the trends of GBVH in the world of work in these countries is quite difficult. Only a few low-paid occupations based GBVH related data is attainable from these countries. They are again very much sporadic and lack uniqueness and comprehensiveness of methodology, information and analyses. No large-scale study is so far found determining the status of GBVH in the worlds of work in the South Asian countries. Empirical data on GBVH in the public services sectors is rather scarce.

Given these limitations, in the subsequent section, we emphasise more to provide individual country specific prevalence related statistics on GBVH that we thought shall help to make a general understanding of trends of GBVH in the world of work in the studied countries. For this reason, data/statistics having a link with the world of work, is preferred most.

Bangladesh: As per UNDP's Gender Development Index, Bangladesh ranked 131 out of 189 countries. As per Global Gender Gap Index of the World Economic Forum, Bangladesh ranked 71 out of 146 countries. Practical situations present a different scenario. A recent count says that at least 476 women have been raped in Bangladesh in the first six months of 2022, among them, 24 were killed after rape, and six died by suicide (The Daily Star, July 13, 2022). Regarding domestic violence, Bangladesh presents one of the worst-case scenarios amongst South Asian countries. 50% of women in Bangladesh reportedly have been subjected to domestic violence which is the highest among South Asian countries (WHO, 2021). The prevalence of GBVH in the lifetime is also recorded as one of the highest in Bangladesh, 53.3% (WEF, 2022). GBVH is reportedly rampant in the low-paid RMG supply chain factories. According to a BILS study, in their working lives, 88% of women in the RMG jobs have been subjected to verbal abuse, 35% physical abuse and 28% sexual abuse (Oxfam Australia, 2019).

India: As per UNDP's Gender Development Index, India ranked 133rd out of 189 countries. As per Global Gender Gap Index of the World Economic Forum, India ranked 135th out of 146 countries. In India, 30% of women aged 18-49 reportedly have experienced some physical

UNDP Gender Development Index Ranking

Countries	Ranking (Out of 189)
Bangladesh	133
India	131
Nepal	142
Pakistan	154
Sri Lanka	72

violence since the age of 15. Working women have been victimized most in this violence category, nearly 36%. The same estimate suggests that 6% of women reportedly have experienced sexual violence at least once in their lifetime in India [India 2019-21, National Family Health Survey]. Reported cases of GBVH in the world of work showed an ever-increasing trend. The National Crime Records Bureau recorded 505 cases of GBVH at work or at office premises in 2019, which was 800% more than 2014 (Anoo Bhuyan and I. S., 2021). WHO reports that 35% of women have been subjected to domestic violence in their lifetime (WHO, 2021).

Nepal: As per UNDP's Gender Development Index, Nepal ranked 142 out of 189 countries. As per Global Gender Gap Index of the World Economic Forum, Nepal ranked 95 out of 146 countries. The prevalence of GBVH in the lifetime in Nepal is reportedly 25% (WEF, 2022). WHO reports that 27% of women in Nepal have been subjected to domestic violence in their lifetime (WHO, 2021). A national health survey finds that among the victims of domestic violence, 22% suffered from physical violence and 7% sexual violence. The same survey finds that the experience of physical violence is more common among employed women, 28%. (Ministry of Health, Nepal; New ERA; and ICF., 2017). Internet searches for violence against women and help-seeking increased by 55% in Nepal between October 2019 and September 2020 (UN Women, 2022).

From Global Gender Gap Index	
Countries	Ranking (Out of 146)
Bangladesh	71
India	135
Nepal	95
Pakistan	145
Sri Lanka	110
Source: World Economic Forum, 2022	

Pakistan: As per UNDP's Gender Development Index, Pakistan ranked 154 out of 189 countries. As per Global Gender Gap Index of the World Economic Forum, Pakistan ranked 145 out of 146 countries. The prevalence of GBVH in the lifetime in Pakistan is reportedly very high, 85% (WEF, 2022). WHO reports that 29% of women in Pakistan have been subjected to domestic violence in their lifetime (WHO, 2021). A national health survey finds that among the victims of domestic violence, 28% suffered from physical violence and 6% sexual violence. Physical violence reportedly has decreased 5 percentage points in the last five years. The same survey finds that 27% employed women have been subjected to physical violence and 9% sexual violence (National Institute of Population Studies (NIPS) [Pakistan] and ICF, 2019). Human Rights Commission of Pakistan have reported 4734 cases of sexual violence between 2004 and 2016 (White Ribbon Pakistan, 2022).

Sri Lanka: As per UNDP's Gender Development Index, Sri Lanka ranked 72 out of 189 countries. As per Global Gender Gap Index 2022 of the World Economic Forum, Sri Lanka ranked 110 out of 146 countries. The prevalence of GBVH in the lifetime in Sri Lanka is

reportedly lowest in the South Asian countries, less than 17% (WEF, 2022). WHO reports that 24% of women in Sri Lanka have been subjected to domestic violence in their lifetime (WHO, 2021). Women Wellbeing Survey 2019 of Sri Lanka finds that among the victims of domestic violence, 19% suffered from physical violence, 7% sexual violence, 28% psychological violence and 18% economic violence (Department of Census & Statistics, Sri Lanka 2019). A study on 200 women employees in Sri Lanka, from both public and private sectors, found that 60% of working women have been exposed to sexual harassment in their working lives (Niriella, M. A., 2015). A UNFPA study finds that 90% of working women have been sexually assaulted on public transport (UNFPA, 2017).

PROTECTION AND PREVENTION OF GBVH IN THE WORLD OF WORK

To protect and prevent GBVH in the world of work, the first and foremost prerequisite is to having a robust and comprehensive legal framework in this, both A) internationally and B) nationally. International conventions and treaties must set the standards for effective national laws and policies. This section affords a solid analysis on this.

A) International Labour Codes and Standards

The Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Beijing Declaration and Platform for Action (1995), ILO convention no 111 and 189 and many others, 2030 agenda with the SDGs and many other global and regional documents have set forth the general guidelines and standards to address GBVH. However, the Violence and Harassment Convention 2019 of the ILO and its supplementary recommendation 206 are exclusively designed to address GBVH in the world of work. Based on the international legal frameworks, with a special focus on the mentioned two legal documents of the ILO, a conclusive summary of the main international labour codes and standards to address GBVH in the world of work are presented in the following table:

International Labour codes and Standards	Description and specification
Recognise as a human right	Free from GBVH to a world of work is a human right for everyone. GBVH in the world of work causes an HRs violation or abuse (Preamble, C190 of ILO).
Formulate a gender protection policy in the workplace	Article 9 and 9(a) of the C190 of ILO states that countries shall adopt laws and regulations requiring employers, so far as is reasonably practicable, to adopt and implement a workplace policy on gender violence & harassment.

Declare a principle of non-tolerance	Include a policy statement in the laws/regulations not to tolerate GBVH in the world of work (Article 7, C190 of ILO & Recommendation 7(a), R206 of ILO)
Define GBVH & DV in the legal documents	Countries' laws/regulations shall define GBVH including domestic violence in the world of work (Article 7, C190 of ILO).
Cover entire workforce including job seekers from all sectors	Country level legal frameworks shall cover a) all workers and other persons in the world of work, including job seekers and b) all sectors, including urban and rural (Article 2, C190 of ILO)
Count workplace & work related every incidence of GBVH	Legal frameworks shall count work related every incidence of GBVH including those happen in the work-related travel, social events, and e-communications, official accommodation and on the way to and back from office (Article 3, C190 of ILO).
Address domestic violence in the world of work	Article 10.(f), of the C190 of ILO states that recognize the effects of domestic violence, so far as is reasonably practicable, and mitigate its impact in the world of work. Regarding mitigation of impacts, recommendation 18 of the Violence and harassment recommendation 206 of ILO further clarifies that: (a) grant leave for victims of domestic violence; (b) ensure flexible work arrangements and protection for victims; (c) ensure temporary protection against dismissal for victims; (d) include domestic violence in workplace risk assessments; (e) establish a referral system to public mitigation measures, and (f) initiate awareness-raising about the effects of DV.
Involve unions in legal adaptation & implementation	Countries shall involve representative employers and workers' organisations to adopt and implement GBVH protection related laws and policies (Article 4 & 9(a), C190 of the ILO).
Recognize roles & functions for union, employer & GOV	Legal frameworks shall recognize the different and complementary roles and functions of a) governments, b) employers and c) workers and their respective organizations (Article 4.3, C190 of ILO).
Respect & promote FoA & Collective Bargaining as a means to prevent GBVH in the world of work	Countries' legal frameworks shall respect, and promote freedom of association and recognize the right to collective bargaining to prevent GBVH in the world of work (Article 5, C190 of ILO). Violence and harassment recommendation 206 of ILO further supplemented that legal frameworks shall support the collection and dissemination of information on related trends and good practices regarding the

	negotiation process and the content of collective agreements (Article 4(b)) on GBVH in the world of work.
Adopt prevention measures well in advance	<p>A) Countries law/regulations requires (Article 6, C190 of ILO):</p> <ul style="list-style-type: none"> - adopting and implementing a workplace policy; - considering GBVH & associated psychological risks in the management of occupational safety and health; - prior risk assessment of GBVH including domestic violence; - information dissemination and training on laws/policies <p>B) Elimination of all forms of forced and compulsory labor and child labour in the world of work (Article 5, C190 of ILO).</p> <p>C) Addressing the right to equality and non-discrimination in employment and occupation (Article 6, C190 of ILO & recommendation 6 of R206 of ILO)</p>
Enable victim's access to effective remedies	<p>Ensure by laws/regulations (Article 10, C190 of ILO):</p> <ul style="list-style-type: none"> - safe, fair and effective complaint reporting - complaint/investigation procedures - court/tribunals - protection to the victims, complainants and witnesses - confidentiality of privacy protection - mitigation of impacts (Leave/flexible work arrangements/awareness raising/risk assessment) - Gender-responsiveness - proper sanctions - legal, social, medical, and administrative support
Develop & implement a gender-responsive approach to deal with GBVH	Legal frameworks shall include a gender –responsive approach to deal with GBVH (Article 4 of the C190 of ILO). Recommendation IV.23.(b) of the Violence and harassment recommendation 206 of ILO further clarifies that countries shall develop and implement gender-responsive guidelines and training programmes to assist judges, labour inspectors, police officers, prosecutors and other public officials in fulfilling their mandate regarding violence and harassment in the world of work.
Ensure proper monitoring of legal implementation	Monitor and enforce laws and regulations regarding GBVH in the world of work. Provide employers and workers and their organizations, and relevant authorities' guidance, resources, and training (Article 10 & 11, C190 of ILO).

B. Legal Codes & Standards in Bangladesh, India, Nepal, Pakistan & Sri Lanka

Status of ratification of ILO Convention 190: Studied countries did not ratify the ILO Convention 190. They have no legal bindings to put in place the necessary laws/policies to prevent and address GBVH in the world of work.

Status of legal frameworks at country level: In each of the studied countries, multi-different legal instruments are practiced to protect and prevent GBVH in the world of work. They are very much

Countries	Table: Status of ratification C-190 - Violence and Harassment Convention, 2019	
	Yes	No
Bangladesh	X	✓
India	X	✓
Nepal	X	✓
Pakistan	X	✓
Sri Lanka	X	✓

spread and there is no single or any comprehensive labour document to address entire GBVH in the world of work. There is a lack of coherence and coordination between laws. The Constitution is commonly referred to address inequality. Only Pakistan has a separate law dedicated to protect women harassment at work. India and Nepal have particular laws to address only sexual abuses at work. All five countries have separate domestic violence prevention laws. Despite having such a legal arrangement, penal code-based remedies are practiced most. Apart from this, regarding approach, process, sanctions and remedies, earlier court verdicts are frequently referred in all five countries. Following table mentions core legal documents practiced largely at country level to address GBVH in the world of work:

National level Legal frameworks

Bangladesh	India	Nepal	Pakistan	Sri Lanka
<ul style="list-style-type: none"> - The Constitution - Women & Children Repression Prevention Act, 2000 - Domestic Violence (Prevention 	<ul style="list-style-type: none"> - The Constitution - Sexual Harassment of Women at Workplace Act, 2013 (POSH Act) - Protection of Women from Domestic 	<ul style="list-style-type: none"> - The Constitution - Domestic Violence (Punishment) Act 2009 - Sexual Abuses at Workplace (Alleviation) Act, 2014 - Civil Code 2017 	<ul style="list-style-type: none"> - The Constitution - The Protection of Women Act 2006 - The Protection against Harassment of Women at the Workplace Act 2010 - The Criminal law Act 2016 	<ul style="list-style-type: none"> - The Constitution - Prevention of Domestic Violence Act No. 34 of 2005 - Assistance to and Protection of Victims of Crime and

and Protection) Act, 2010	Violence Act, 2005	- Labour Act 2017	- Domestic Violence (Prevention and Protection) Act, 2021	Witnesses Act, No. 4 of 2015
- Penal Code, 1860 (sections 375/354/509]	- Provisions in Code of Criminal Procedure, 1973	- Digital business Act, 2007	- The Protection against Harassment of Women at the Workplace (Amendment) Bill, 2022	- The Penal Code (Section 345, 363 & 364A
- The Code of Criminal Procedure, 1898	- Indian Penal Code, 1860	- Code of Conduct against gender-based violence at workplace 2010	- Court verdicts	- Court verdicts
- Court verdicts	- Court verdicts	- Court verdicts	- Court verdicts	

Application of general principles: International standard vs country status:

Only Indian legal frameworks recognize that it is a right of every woman to be freed from GBVH at work. Inclusion of a non-tolerance statement against GBVH in the world of work is never a legal practice in any studied countries. Definitions provided in the law are most often in-comprehensive. Except for sexual violence particularly rape, addressing other aspects of GBVH are not so explicit such as online based violence and psychological violence. Existing legal frameworks don't at all address domestic violence at work. In Nepal, legal frameworks exclude informal sector workers from its coverage. In India and Pakistan, legal coverage of GBVH at work is comparatively broad. Literature review further suggests that employee coverage by legal frameworks is reasonable in India, Pakistan, and Nepal. These countries also have incorporated more or less monitoring guidelines into their legal frameworks.

Table: Application of general principles: International standard vs country status					
International Standards	Bangladesh	India	Sri Lanka	Pakistan	Nepal
HR Recognition	X	✓	X	X	X
Enable workplace Policy	✓	✓	X	✓	✓
Statement of non-tolerance	X	X	X	X	X
Define GBVH	✓	✓	✓	✓	✓
Define Domestic Violence (DV) at work	X	X	X	X	X
Address DV at work	X	X	X	X	X
Cover all sectors	✓	✓	Not specified	✓	Not specified
Count all places with work	X	✓	X	✓	X
Employee coverage	Not defined	Reasonable	Not defined	Reasonable	Reasonable
Monitoring guidelines	X	✓	X	✓	✓

Prevention preparation: Except for Sri Lanka, formulating a workplace policy to address GBVH at work is legal for four other countries, though misses in practice largely. Only in Bangladesh and India, there is a legal mandate to address GBVH in occupational health and safety matters. As per international standard, prior risk assessment is a must for effective prevention preparation. Country level legal documents in South Asia don't enable such a prior workplace-based risk assessment of GBVH. Except for India, legal awareness raising is not a legal mandate for four other studied countries.

Table: Prevention preparation

International Standard	Bangladesh	India	Sri Lanka	Pakistan	Nepal
Mandate for a WP policy	Specified	Specified	No mention	Specified	specified
GBVH as OHS concern	recognized	recognized	No mention	Not explicit	Not explicit
Prior risk assessment	No mention	No mention	No mention	No mention	No mention
Prior DV risk assessment	No mention	No mention	No mention	No mention	No mention
Legal awareness raising	Not a mandate	Legal mandate	Not a mandate	Not a mandate	Not a mandate

FoA and collective bargaining in the legal framework: International standard is set to respect, recognize, and promote FoA and collective bargaining as a means to prevent GBVH in the world of work (Article 5, C190 of ILO). These are conversely a missing element in the legal documents particularly in countries of South Asia. Except for Sri Lanka, legal documents in four other studied countries have detailed roles for employers and government in mitigating GBVH. Role for worker's representative is however limited to only participation as members in an investigation committee, in case such a committee is formed internally, following any reported case of GBVH.

Table: FoA and collective bargaining

International Standard	Bangladesh	India	Sri Lanka	Pakistan	Nepal
FOA to prevent GBVH	No mention	No mention	No mention	No mention	No mention
CB to prevent GBVH	No mention	No mention	No mention	No mention	No mention
Document/disseminate Good CB practices	No mention	No mention	No mention	No mention	No mention
Union role	Committee member	Committee member	Completely missing	Committee member	Committee member
Employers role	Specified	Specified	Not Specified	Specified	Specified
Government role	Specified	Specified	Not specified	Specified	Specified

Access to remedies: Except for Sri Lanka, internal complaint reporting is very much routine. Victim reports a written complaint to an internal committee, inside the office building. Complaint investigation is often time consuming. In Sri Lanka, there reviewed no such internal arrangement of complaint reporting and investigation. In all five countries, legally, there is adequate external arrangement like courts/tribunals/local committee/administrative bodies/ombudsman to deal with both new and unfinished cases of GBVH. In all five countries, victims of a GBVH only whose cases have been moved to such an external arrangement, are entitled to get legal protection. In Bangladesh, India, and Pakistan there is legal provision to protect confidentiality of the sensitive information related to a woman victim when trialed in an external setting. In India and Pakistan, victims of sexual violence are legally entitled to get leave as per requirements. It is a legal obligation in Bangladesh, India, and Pakistan to be gender-responsive during physical and medical investigation and court trials. Legal documents of India and Nepal contain detailed and comprehensive sanction proposals for different types of GBVH that are trialed in external settings. Except for Sri Lanka, victims in other four countries are legally entitled to get adequate support services like medical treatment, counseling and shelter by a court order.

Table: Access to remedies

International Standard	Bangladesh	India	Sri Lanka	Pakistan	Nepal
Complaint reporting	Reporting to internal committee	Reporting to internal committee	No internal committee	Reporting to internal committee	Reporting to employer/manager
Complaint Investigation	Detailed & Specified	Lengthy but detailed	No internal mechanism	Detailed & Specified	Lengthy but detailed
Court/tribunals	Adequate	Adequate	Adequate	Adequate	Adequate
Protection to victim	✓	✓	✓	✓	✓
Confidentiality protection	✓	✓	X	✓	X
Leave for victims of sexual harassments	X	✓	X	✓	X
Gender-responsiveness	Partial	Partial	X	Partial	X
Sanctions	Not full & complete	Detailed & comprehensive	Not full & complete	Not full & complete	Detailed & comprehensive
Support services	✓	✓	X	✓	✓

SOUTH ASIAN COUNTRIES: UNIONS' PREPARATION & EFFICACY

Do the Unions Prepared

Status of gender policy in the union

On an average, 21% of unions in South Asian countries have a gender policy. Country level findings vary significantly on this. In Pakistan, half of the unions reportedly have a gender policy and in India it is one-fourth. The figure is however nil for Bangladesh, Nepal, and Sri Lanka meaning no single union having a gender policy is detected in these countries in our survey. Unions who have no gender policy, 90% of them are willing to formulate and adopt a gender policy sometime in the future and the rest 10% not. Mr. Krishan Lal Singla who is a President of All India NHPC Supervisor's & Officers Association said, *"No union level policy is needed. As the management has already adopted a gender policy in the workplace, then there is no need of adopting the said policy by the union."*

Status of Gender Policy at Union

Status	Bangladesh		India		Nepal		Sri Lanka		Pakistan		Total	
	Yes	NO	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Gender Policy	0.0	100	25%	75%	0.0	100	0.0	100	50%	50%	21%	79%
Willing a policy	100	0.0	67%	33%	100	0.0	100	0.0	100	0.0	91%	9%

Unions who have a gender policy further reported that promotion of FoA and collective bargaining to protect and prevent GBVH is not a policy mandate. Addressing domestic violence is also a missing policy link.

Status of gender focal person/committee in the union

64% unions don't have a designated gender focal person or committee. In Pakistan, cent percent unions have a designated gender focal person or a committee. In India, there is only a negligible practice on this. For the rest of the studied South Asian countries, we didn't observe such a practice to appoint/select/nominate a designated gender focal person/unionist or committee within the union.

Do the gender focal persons trained

Trained unionists on general gender aspects are reportedly available in the unions.

Status of gender focal person/committee in the union		
Countries	Yes	No
Bangladesh	0.00	100
India	25	75
Nepal	0.00	100
Pakistan	100	0.00
Sri Lanka	0.00	100
Total	36%	64%

However, there is an acute shortage of professionally trained unionists to address GBVH in the world of work such as performing gender-sensitive grievance handling and investigation.

Practice of collective bargaining to protect GBVH

Roughly, half of the unions claimed that they have sometimes bargained successfully with the management on matters of GBVH. Few unions claimed that they defend the victims with the management only when such a necessity. Few unions from India reported that they are always active to protect GBVH in the workplace. Venkata Narasimhan who is a General Secretary of All India National Life Insurance Employers Federation said to us, *"Unions play a very important role to ensure that gender-based violence does not take place, and if it takes place then to ensure that justice prevails."* In Pakistan, few unions reportedly have mediated conciliation on domestic violence matters. Around half of the unions though reported that they don't have such collective bargaining or conciliation experience.

When GBVH a meeting agenda

GBVH is though never a regular agenda of practice in the union level meetings. Only when there is a known issue of GBVH, union meetings discuss the same and decide their follow-ups and course of actions. Md. Abul Kalam Azad who is a General Secretary of Bangladesh Jatyo Biddut Sromik Kormochai Union said, *"Only when an issue arises, union meetings discuss about that"*.

Status of external linkage/cooperation

Few unions from Bangladesh and Pakistan reported that they have established external liaison/cooperation particularly with the NGOs/CSOs and policy level actors to address GBVH in the world of work. For the rest of the countries, no such practice is reported.

Legal awareness

Union leaders in India and Pakistan have better understanding on legal matters but for other countries, there is clearly a lack of awareness/knowledge of union members on policies/laws. Unions are seldom part of the law/policy formulation processes. As such, legal frameworks missed the right tuning to address GBVH in the world of work.

Two leading concerns about legal matters

Regarding the legal aspect, the most vital concern expressed is that South Asian countries in general have a poor implantation of laws/policies.

Second most important concern expressed is that legal ambiguity persisted to address domestic violence at work. There are prevalent different legal instruments and respective mechanisms to address domestic violence. Legal instruments and mechanisms mostly overlook the workplace aspects of impacts of domestic violence and their addressing. Manoj Doshi who is a General Secretary of National Organization of Government Employees in India said, *"Generally, DV are reported to the police. It is a non-bailable offence. If any government servant is in custody for more than 24 hours or 48 hours, he will be automatically suspended. If the husband is not an employee of the same office, management cannot do anything."*

Grievance/Complaints Reporting and Its Effectiveness

Practice

Following the nature of office and employment and magnitude of the issue, the practice of complaints/grievance mechanisms at union level differ significantly in the South Asian countries.

In Pakistan, particularly related to lady health workers offices, cent percent unions reportedly have robust complaint/grievance mechanisms. Robust in the sense, few unions have different tiers of complaint/grievance reporting arrangements such as at local, regional and central levels. These are mostly a three-member committee in which at least two members are women. Workers and management reportedly know about these arrangements. Mir Zulfiqar Ali attached to the Lady Health Workers Union in Pakistan said to us, *"Our union has a gender committee both at central level and at district level. It is a three-member committee and two of the members are women. Following a complaint, the committee investigates thoroughly, and the first preference is to decide the issue amicably."*

In the case of India and Nepal, only a few unions reportedly have GBVH related complaints/grievance mechanisms. In these countries, mostly public offices have their legally established grievance/ complaints reporting mechanisms, unions are reportedly part of these. Manoj Doshi- General Secretary, National Organization of Government Employees, India said, *"It is mandatory for the management to have an internal inquiry committee whether it is a sexual harassment or any kind of Harassment of the women. The committee is always headed by women, more than 50% of its members are women; unions have legal representation in these committees."*

Status of Complaint/ Grievance Mechanism at Union		
Countries	Yes	No
Bangladesh	0.0	100
India	25%	75%
Nepal	100	0.0
Pakistan	0.0	100
Sri Lanka	100	0.0
Total	43	57

Unions based in public offices in Bangladesh and Sri Lanka seldom have such a grievance/complaints mechanism in place. Studied public services offices in these countries reportedly have an overwhelming majority of male employment. Victims usually make a written complaint addressing the president or general secretary of the union. Studied unions didn't receive any complaint on GBVH in the last 2/3 years period. Md. Abul Kalam Azad who is a General Secretary of Bangladesh Jatiyo Bidyut Sramik Karmachari Union (BJBSKU) said to us, *"At union level, for legal preparation, there is certainly a gap. In the electricity offices I work, most of the workers are male. I cannot remember any issue of GBVH reporting in my workplace for the last five years."*

Complaints/grievance reporting

Unions which have a grievance/complaint reporting arrangement, the main responsibility of the respective authority is reportedly to look after complaints reporting and follow-up and to the extent amicable settlement. There are no hard and fast rules. Complaint making is flexible. Victims usually make written complaints. Other ways round unions after being informed, often encourage and assist the victims to lodge a complaint. In general, case to case filing is done, and there is clearly a lack of professional record keeping skills and practices. Krishan Lal Singla who is a President of All India NHPC Supervisor's & Officers Association said to us, *"the documents are kept in the safe custody in the office"*.

Gender-responsiveness

There is a lack of clarity persisted everywhere within unions regarding the understanding and practices of gender responsiveness in grievance/complaints handling. Answering to a question, how to address gender responsiveness in complaints handling, unionists said us the following:

- Unions contact directly with the victims
- Women union representative handle the issue
- Protect confidentiality of the victim

Confidentiality protection

Unions seem highly sensitized to protect confidentiality of information regarding victims and witnesses. This is rather a voluntary expression of responsibility than a rule-based obligation. Victims who need protection usually are referred to the law enforcing agencies. Unions and/or offices don't have a practice to offer security protection to the victims. Providing legal aid support and counselling to the victims by the unions is a common practice irrespective of countries. In Pakistan, few unions reportedly offered shelter, food, clothing, emergency fund, care services and referral for special needs to the victims. This is reportedly a joint arrangement with the state authority.

Follow-up

Either a complaint lodge to the union or at office, union usually followed up unto the final settlement. *"Whenever there is a complaint reporting we follow up the same to its logical conclusion"* said Mr. Venkata Narasimhan who is a General Secretary of All India National Life Insurance Employers Federation. Union level complaints reportedly mostly followed an amicable settlement to the end.

Status of reporting

Despite all these, one of the core concerns expressed by the unionists is that GBVH in the world of work is under-reported. It is further reported that only the victims of a minor GBVH including domestic violence make complaints to the unions. Parshuram Pudasaini who is a

General Secretary of Union of Public Services in Nepal (UPSIN) said to us, *"I don't have a particular case where any of our office bearers reports a complaint"*. Family pressure, social and cultural norms and practices and lack of awareness and understanding of GBVH are reportedly main reasons for this. Pradnya Kamble from PSI South Asia Regional Office said to us, *"there is a thin line between and among offence, humiliation and harassment and violence. Most of the cases, females fail to recognise the issue and let it go. More awareness is needed."* Halima Leghari who is a Central President of All Sindh Lady Health Workers and Employees Union (ASLHWEU) stated, *"90% avoid reporting the incidence especially when it is a case of sexual harassment; family pressure is a big factor; if they complaint their male members pressurize to leave the job; cultural taboos also play a part in non-reporting."* Apart from this, false accusations are also reported. Manoj Doshi who is a General Secretary of National Organization of Government Employees in India said, *"Sometimes say 5%/2% are misused also by false complaints."*

GENDER SAFE UNION

Based on our research, we endeavor to draw a draft outline of a model gender violence safe union. Our model outline suggests that a gender violence safe union needs to be prepared both internally and externally as following:

Internally Inside TU

Internally, a gender violence safe union, requires addressing the following:

Gender Policy: Formulate and implement a union's gender violence protection policy.

Zero-tolerance: Adopt a zero-tolerance principle against GBVH of any kind

Representation: ensure proper women representation all committees

Leadership: Ensure women in leadership positions.

Participation: Ensure satisfactory women's participation in decision making and in meetings.

Gender Focal Person/Committee: Nominate/select a dedicated trade unionist gender focal person or a committee to look after gender matters

Complaint/grievance reporting: Ensure that the union has a gender sensitive complaint/grievance reporting mechanism and inform workers in advance of the mechanism

Follow-up/monitoring: Agree a step by step monitoring/follow-up procedure for every individual complaint reported with the union.

Advocate/Contact person: Appoint/nominate/select union's advocate or contact person at workplace to gauge GBVH including domestic violence and ensure for her appropriate training (Canadian Labour Congress, 2015)

Record Keeping: Ensure proper registration and record keeping for GBVH complaints handling

Meeting agenda: Make discussion on GBVH aspect a regular agenda in the union's meeting

Support services: As per capabilities introduce support services like legal assistance, counseling, and treatment for the needy victim

Education and campaign: Conduct awareness raising campaigns and training on a regular basis. Inform workers well in advance risks and mitigation, and policy and legal aspects. Trained the gender focal persons.

Social dialogue & advocacy: Engage continuously in social dialogue and advocacy to end GBVH at work. In Pakistan, the All Sindh Lady Health Workers and Employees Association (ASLHWEA) won a Supreme Court decision in 2012 that recognised lady health workers as state workers. A national agreement signed by the Danish Working Environment Authority, the Employers' Confederation (DA) and the Danish Confederation of Trade Unions (LO), specifies that local agreements have to be adopted to tackle mobbing, harassment and sexual harassment at work.

Externally at Workplace

GBVH protection Policy: act to formulate and implement a GBVH protection policy at office/workplace.

Involve women: act to ensure proper women representation in every step of policy design and formulation at office/workplace

Zero-tolerance: act to ensure that workplace has declared a zero-tolerance principle against GBVH at work including domestic violence

Gender equity guidelines: voice for adopting a gender equity guideline at work

Comprehensive definition: act to ensure that workplace policy has included comprehensive definitions of GBVH and domestic violence

Prevention preparation: consistently act to ensure that office/workplace has specified and adopted appropriate prevention preparation which among others include the following:

- Forms committee/authority to see GBVH at work
- Conducts prior risk assessment including domestic violence related risk assessment
- Proper supervision and monitoring such as CCTV camera surveillance and social audit
- Gender-sensitive complaint reporting and workers know the same
- Specific guidelines for violence investigation which is gender-sensitive too
- Maintain proper documentation, publication and dissemination

Access to remedies: consistently act to ensure that effective remedies to victims are in place at work such as:

- Proper protection to the victim, violence reporter and witnesses particularly from any forms of retaliation and discrimination

- Confidentiality protection of sensitive women related data
- Proper compensation to the victims
- Proper referral system in place
- Flexible work arrangement (shift work/part time work/leave) for the victims of Domestic Violence. The Australian Council of Trade Union in 2017 appealed to the government to introduce 10 days of paid domestic violence leave in labor regulations.
- Proper support services to the victim such as legal, social, medical, and psychological

Negotiation and Bargaining: Include women's issues in negotiation and bargaining agenda on a regular basis. Ensure that women are included as members in negotiating and bargaining teams. The 2010 Collective Bargaining Agreement between the Uganda Flower Exporters Association (UFEA) and the Horticulture and Allied Workers' Union (UHAWU), requires the establishment of a sexual harassment policy in the workplace.

Externally Linkage Building

TU network: Linked up with the wider trade union networks, local or sector federations, and global union federations who have GBVH at work a core area of focus

NGO/CSO: Linked up with NGOs/CSOs who have strong skills and voice against GBVH.

Social movements: Linked up with social movements directed against GBVH

State actors & Institutions: Linked up with state actors & institutions which have a role in GBVH protection.

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APPENDICES

APPENDIX I: METHODOLOGY

Area Coverage

This research cover only public services from the following five countries:

- 1) Bangladesh
- 2) India
- 3) Nepal
- 4) Pakistan
- 5) Sri Lanka

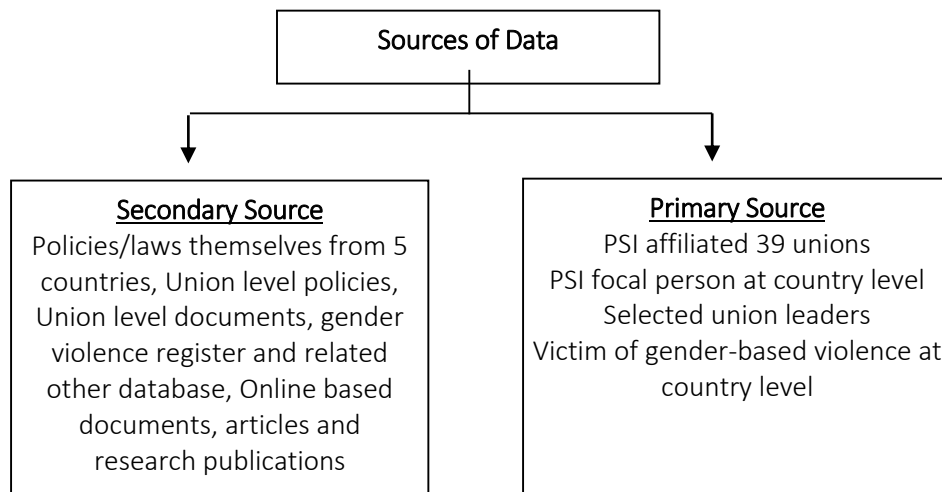
Sectoral Coverage

Four (4) public services sectors are particularly covered as following:

- 1) Utilities
- 2) Local Regional Government
- 3) Public Administration
- 4) Health sector

Sources of Data

Information is collected from both primary and secondary sources.



Methods & Tools/Techniques

Following table summarizes the research methods and respective tools and techniques are used for this research:

SL	Methods	Tools/Techniques	Participants	Quantity
A	Online based questionnaire survey	Semi structured questionnaire	PSI affiliated unions	39 survey
B	Online based consultation	Checklist	5-10 PSI nominated focal persons (country level)	1-2 (as per necessity)
C	Case study collection	Checklist	Victim of gender violence	5-10 (as per necessity)
D	Selective interview	Checklist	Union leaders	5-10 (depending on the no of case study collection)
E	Desk based review	Checklist	39 unions and country level PSI focal persons	1

A. Online based questionnaire survey

PSI affiliated 39 unions based in Bangladesh, India, Nepal, Pakistan and Sri Lanka are surveyed using a semi-structured questionnaire. Data regarding union level policy and grievance mechanism, victims of gender violence who have reported to these unions and gender violence related statistics available with the unions, and union's assessment of national level policy/laws to encounter gender violence are particularly collected through this online based questionnaire survey. Questionnaire is sent via email along with a request letter addressed by both BILS and PSI.

B. Online based consultation

Initially, PSI is requested to nominate 1-2 focal persons for each of the five (5) countries cover under this research. Next to this, group consultation via Zoom online platform is conducted with them. Data regarding national level policy/laws and union level policy and grievance mechanism are particularly collected through this online based consultation.

C. Selective Interview

5 selective interviews are conducted, one from each of the studied countries. Except for Bangladesh, we conduct interviews online using a prior developed checklist.

D. Desk based review

With a view to map out availability of national policies and corresponding grievance mechanisms pertaining to harassment and violence in PSI affiliated unions and to assess their effectiveness we conduct a rigorous desk-based review of the relevant policies/laws, literatures and unions provided documents and database.

APPENDIX II: SURVEY SCHEDULE

Online Based Questionnaire Survey
Participants: PSI affiliated Unions
Research on “entrenching gender-based grievance redressal mechanisms
in unions of south Asia

Consent

Purpose	This research wants to make a comprehensive review of the gender violence protection related national level laws/policies of Bangladesh, India, Nepal, Pakistan and Sri Lanka as well as assessing the effectiveness of the TU related grievance/complaints mechanisms and practices in these countries to combat gender violence in the world of work.
Benefits	Your participation gives you the opportunity to share your experiences and ideas to a wider audience at global level.
Confide	Your participation is totally voluntary and confidential. We will not be using your name or your union name in any of our public sharing in such a way that may create risk to you or reputational risk to your union.
Risk	You may not know the answers to some of our questions. If that is the case, you can write “I do not know the answer.” Some of our questions may make you feel uncomfortable. You can skip uncomfortable questions by writing “I do not want to answer.” Some of our questions may sound confusing. If you need us to clarify the question again, just write to us via email. Some of the questions may require writing long and multiple sentences. In these cases, we will ask you to write only 2/3 words for each sentence that can make sense.
Follow	After you have completed the survey you may have some questions or concerns. We will request you to either write to us at BILS or directly contact the PSI regional office in India.
Tracking	We will collect your contact details so that we can track you later in any emerging need or urgency.
Consent	We request your consent to participate in the survey? 1. Yes <input type="checkbox"/> 2. No <input type="checkbox"/>

Please read carefully

Unions who have supported victims of gender violence in the last 3 years period, must answer to the question number 2.4.27.

1.0 About Union & Respondent

Name of the respondent	
Designation	
Union	
Country	
Email	
Contact (Cell phone)	
Gender	
Education	

2.0 Protection of Gender Violence and Harassment

2.1 Country level legal framework

SL	Questions	Answers (Please write your answer in this column)
2.1.1	Does your country have a policy/law to protect gender violence and harassment in the world of work?	
2.1.2	Does your country have a policy/law to protect domestic violence?	
If the country have a gender policy/law then please write the answers of the following questions:		
2.1.3	What is the name of the policy/law?	
2.1.4	What is the year it was framed?	
2.1.5	Are the unions involved in the formation processes?	
2.1.6	Does the policy/law cover informal sectors?	
2.1.7	Does the policy/law cover public sectors?	
2.1.8	Does the policy/law cover all workers & employees?	
2.1.9	Does the policy/law recognize the right to union & collective bargaining as a means of protecting gender based violence?	
If the country don't have a gender policy/law, then please write the answers of the following questions:		
2.1.10	What are the available legal frameworks to protect gender violence and harassment in the world of work?	
2.1.11	What are the available legal frameworks to protect domestic violence?	
2.1.12	Is there any ongoing initiative to frame a –policy/law?	

2.2 Union level legal protection

SL	Questions	Answers
2.2.1	Does the union have a gender violence protection policy? (If yes, please also share us a soft copy)	
If the union have a gender policy, then please provide answers to the following questions:		
2.2.2	What is the year gender policy was adopted?	
2.2.3	What was the reason to adopt a policy?	
2.2.4	Any revision over time?	
2.2.5	Did the women involved in designing?	
2.2.6	Does the policy include a policy statement not to tolerate any kind of gender violence?	
2.2.7	Does the policy include a comprehensive definition of gender violence?	

2.2.8	Does the policy include a comprehensive definition of domestic violence?	
2.2.9	Does the policy enable domestic violence handling?	
2.2.10	Does the policy include prevention preparation?	
2.2.11	Does the policy define gender focal person/persons/ committee and respective roles?	
2.2.12	Does the policy specify complaint reporting, recording and documentation?	
2.2.13	Does the policy enable protection for complainants/witnesses?	
2.2.14	Does the policy enable confidentiality protection of complainants and witnesses?	
2.2.15	Does the policy enable giving additional support services to the victim of violence?	
2.2.16	If yes, what are those support services? [legal, social, medical, psychological, counselling, & administrative support]	
2.2.17	Does the policy include systematic monitoring of progress?	
2.2.18	Does the policy count awareness raising of workers on gender violence?	
2.2.19	Does the policy recognize gender violence as a priority agenda in bargaining and negotiation?	
2.2.20	Does the policy recognize domestic violence as a priority agenda in bargaining and negotiation?	
2.2.21	Is there a provision for publication of complaints handling statistics?	
If the union don't have a gender policy then please answer to the following questions:		
2.2.22	Are you willing to adopt a gender policy?	
2.2.23	If yes, what is the support needed?	

2.3 Complaints/grievance mechanism in the union

[If your union doesn't have a complaints/grievance mechanism, please write 'don't have any' in the answer column]

SL	Questions	Answers
2.3.1	Does your union have a complaints/grievance mechanism in place to address gender violence?	
2.3.2	If yes, what is the year adopted?	
2.3.3	Do the workers know about it?	
2.3.4	If yes, how did they come to know?	
2.3.5	Is there a dedicated unionist for complaint handling?	
2.3.6	If yes, whether the gender dedicated unionist trained?	

2.3.7	Do your union record/document complaints reporting? If yes, how?	
2.3.8	How often does your union discuss gender violence issues at union meetings [Every meeting/often/sometimes/in need/seldom]?	
2.3.9	Does your union offer/connect any support services [legal advice/counselling/shelters/ treatment/any others]?	
2.3.10	If yes, what are they?	
2.3.11	Does your union monitor grievance handling? If yes, how?	
2.3.12	Does the union select and train gender contacts at the workplace?	
2.3.13	In the last 3 years, have your union ever represented workers to sign a collective bargaining agreement at the workplace?	
2.3.14	If yes, how many times?	
2.3.15	Do your union ever bargain/negotiate specific clauses on gender violence aspects to put into the CBA?	
2.3.16	If yes, how many times?	
2.3.17	If yes, how many were adopted finally?	
2.3.18	How do you evaluate the rate of women victimization in your workplace?	
2.3.19	Any increase/decrease for lockdown/COVID-19?	
2.3.20	Does your union have any partnership with the women's rights NGO to work on gender violence protection?	
2.3.21	Does your union have any established political contact for gender violence protection?	

2.4 Effectiveness of Union's grievance mechanism [No grievance mechanism, please write 'don't have any']

SL	Questions	Answers
2.4.1	What is the usual practice? Does the victim complain herself or the union after being informed, influencing the victim to make a complaint?	
2.4.2	If complaint making is a union initiative, how does the union usually come to know about the victims?	
2.4.3	Does your union conduct awareness-raising sessions on complaints mechanisms with the workers?	
2.4.4	Is the complaint-making gender sensitive?	
2.4.5	If yes, how are you sure of that?	
2.4.6	Is the complaint-handling gender sensitive?	
2.4.7	If yes, how do you sure that	
2.4.8	Do the workers understand the support and processes?	

2.4.9	Does the union maintain confidentiality of the victims and witnesses? If yes, how?	
2.4.10	Does the union offer any protection to the victim and witnesses? If yes, how?	
2.4.11	Do the victims feel supported? If yes, how are you sure of that?	
2.4.12	Does the union maintain a transparent recording of data? How?	
2.4.13	Having a complaint, what followed afterwards?	
2.4.14	Does it involve a fast and quick response? How?	
2.4.15	How many complaints registered in the last 1 year period?	
2.4.16	How many of them were domestic violence?	
2.4.17	What was the nature of the violence?	
2.4.18	What were the reasons for the violence?	
2.4.19	Any difference during and before COVID-19 time? If yes, what (number/nature/reasons/workplace vs domestic)?	
2.4.20	What about their current status? [How many solved? How many mid-way? How many lost/withdrawn?	
2.4.21	In the last 12 months, did your union offer any support services to the victims? If yes, what are they? How many get what?	
2.4.22	In the last 12 months, did any of your listed victims get paid compensation? If yes, how many? What was the total amount?	
2.4.23	How do you evaluate the skills and efficiency of the union in gender violence handling?	
2.4.24	In your opinion, what are the weaknesses of your union to handle gender violence?	
2.4.25	To your evaluation, what is the missing percentage of reporting? Why?	
2.4.26	Those who don't report a complaint, why?	
2.4.27	Please, give communication details (including phone and emails) of 1/2 most sensational victims of gender violence, which your union handled within the last 3 years period. Please also give communication details for the contact unionist for these victims.	

3.0 Gender Safe Union

SL	Questions	Answers
3.1	Do the women trade unionists feel your union is safe?	
3.2	How can the women trade unionists be better protected inside the union?	
3.3	Does the union need a gender policy? If yes, why?	
3.4	Is there a gender violence protection committee needed? If yes, why?	

3.5	Who can be a gender focal person and how?	
3.6	Is there any need for creating gender advocate/contact person at office/factories?	
3.7	What is needed for effective complaint reporting?	
3.8	How can a union best protect the confidentiality and interest of a victim?	
3.9	How can best address record keeping and documentation?	
3.10	Any recommendations/suggestions for making a gender safe union?	

4.0 Lockdown and its effect

SL	Questions	Answers
4.1	When was the lockdown during the last two years?	
4.2	Was the office/sector open?	
4.3	How many employees work in your office/factory?	
4.4	What was the employment status during lockdown? Any effect on workdays?	
4.5	Any effect on work hours?	
4.6	Any different effect on women workers other than men?	
4.7	What is the current status?	

Thank you very much

APPENDIX III:

CHECKLIST & GUIDELINES FOR ONLINE BASED CONSULTATION

Research on “entrenching gender-based grievance redressal mechanisms in unions of south Asia”

Guidelines

- Area & Number:** Based at BILS Dhaka office, we shall conduct online based group consultation via Zoom online platform with the PSI nominated country level focal persons as per requirements.
- Participants:** We shall request PSI to nominate 1-2 TU focal persons for each of the five (5) countries covered under this research. e.g., Bangladesh, India, Nepal, Pakistan, and Sri Lanka. These countries level PSI nominated focal persons and 1/2 connected PSI representatives from the South Asia sub-regional office shall be requested to join this consultation.
- Resource Persons:** Lead researcher shall facilitate the online-based consultation.
- Recording:** Entire online-based consultation shall be audio-recorded. For this, in the beginning, having informed the purpose of the research, consent is to be taken from the participants for audio-recording.
- Photo:** We shall take a couple of good photos of the participants.
- Duration:** Online-based consultation shall continue a maximum of 2 hours.
- Modality:** Participants shall be communicated the checklist earlier well before the consultation. Two rounds of discussions shall be administered. For the first round of discussion, every participant shall be given an opportunity to share/present their opinion/views individually uninterrupted for 10-15 minutes. In the second concluding round, participants shall be asked to make/share their comments if any regarding any issue expressed in the first round of discussion and/or to share any new idea/issue that they thought should share further and/or to make any concluding remarks/recommendations.

Checklist

Online-based Consultation

- What are the major international labour codes and standards for addressing gender violence aspects in the world of work? What are the national labour codes and standards in this? Is there any gap between them? What are the gaps?
- What about assessment of gender violence in the world of work in the respective country and office? How do you evaluate the ongoing gender violence protection mechanisms in your country and office? What are the positive aspects? What are the negative aspects? What about your prescription for further improvement?
- How do you evaluate the ongoing gender violence related grievance mechanisms in your union? What are the positive aspects? What are the negative aspects? What about your prescription for further improvement?
- How do you evaluate the role of union and collective bargaining in protection of gender violence and harassment in the world of work? What is your thought of domestic violence protection at work?
- How do you evaluate the ongoing social dialogues in relation to better protection of gender violence and harassment in the world of work?
- To your evaluation, what is the missing percentage of reporting? Why? What can be done differently? What should be the criteria for a gender safe union?

APPENDIX IV:

CHECKLIST FOR SELECTIVE INTERVIEW

Research on “entrenching gender-based grievance redressal mechanism in unions of south Asia”

Guidelines

- Area & Number:** At least, one (1) selective interview to be conducted from each of the five (5) South Asian countries under studies e.g., Bangladesh, India, Nepal, Pakistan, and Sri Lanka.
- Participant selection:** Related to each of the case studies collected, we shall interview concerned trade unionists who have handled the case at union level.
- Resource Persons:** Least, one Research Associate shall conduct the interview.
- Recording:** The entire interview shall be audio-recorded. For this, it is important that the interviewee is informed in the beginning the purpose of the research as well as consent is taken from him/her for audio-recording.
- Photo:** 1/2 good photos can be taken for every interview.
- Special Instructions:** Asking a question looking at the checklist is not preferred. It is suggested to take appropriate preparation well in advance.
- Duration:** One interview shall last a maximum of 30-40 minutes.

Checklist

1. Regarding gender violence, what is your role? Did you get any training on this? If yes, where and what were the training contents? Is there a gender policy in the union? Is there a gender committee in the union? Is there a union's contact person in the office to address gender violence? Do your union negotiate to include gender violence issues in collective bargaining agreements? If yes, how many times in the last 12 months? How many were adopted finally?
2. Do the unions have a complaints/grievance mechanism in place to report gender violence? If yes, would you please brief us on the main features? How do you evaluate the gender responsiveness of your union's grievance mechanisms? Does the union ever administer any education/awareness raising session to popularize its grievance mechanisms?
3. Do you record and document complaints reporting? How many complaints registered in the last 1 year period? How many of them are domestic violence? What about their current status?

Number Solved	Number Mid-way	Number withdraw	Lost case

4. Does the victim (whose case study is collected) complaint herself or the union being informed influence her to make a complaint? If complaint making was a union initiative, how did you come to know about this victim? Whom did she discuss first (peers/friends/relatives) of the incidence? How did she cope up? Who helped?
5. Do you know the victim before? What was her office life and relations before victimization? What was her behavioral pattern (introvert/extrovert/always laughing/Spontaneous) before victimization? What have been the behavioral changes in the workplace after victimization? Does the office require any work adjustment (leave/flexible work arrangement)? If yes, how does the union help?
6. Having registered the complaint, what is the first action followed? What followed the aftermath? Do you need to maintain any confidentiality of the victim & witnesses? If yes, how? Did your union offer any protection to the victim and witnesses? If yes, what are they? Did your union offer any support services to the victim (counselling/treatment legal assistance/shelter/others)? What is the current status? Any sanctions? Does the victim (case study collected) get any compensation?
7. Those who don't report a complaint, why? To your evaluation, what is the missing percentage of reporting? Why? What can be done differently?
8. To your evaluation, what are the weaknesses of your union's gender protection programme and services? What should be the criteria for a gender safe union? Any opinion/comments on gender policy, focal person, committee, training, complaint reporting, support services, record keeping, and information dissemination? Is there any need for creating a gender advocate/contact person at the office/factory? What and how can your union bargain and negotiate with authority/employer on gender protection at work? What should be the monitoring mechanism?

APPENDIX V:

CHECKLIST FOR DESK REVIEW

Research on “entrenching gender-based grievance redressal mechanism in unions of south Asia”

Checklist

1. What about the global status of gender violence and harassment in the world of work? What about the status of the same in the South Asian countries particularly in Bangladesh, India, Nepal, Pakistan and Sri Lanka? What is the impact of domestic violence on the world of work? What is the COVID-19 effect on gender violence in the world of work?
2. What are the international legal frameworks to address gender violence and harassment in the world of work? Did Bangladesh, India, Nepal, Pakistan and Sri Lanka have ratified the ILO Convention 190?
3. What are the international labour codes and standards to address gender violence and harassment in the world of work?
4. What are the legal frameworks available in Bangladesh, India, Nepal, Pakistan and Sri Lanka to protect gender violence and harassment in the world of work? What is the year framed? Are the unions involved in the formation processes? What about sectoral coverage? Do the available legal frameworks cover gender violence protection in the studied public sectors? Do they cover all workers & employees? Is there any ongoing initiative to frame a new policy/law? If yes, what is the current status?
5. What are the legal frameworks available in Bangladesh, India, Nepal, Pakistan and Sri Lanka to protect domestic violence at work?
6. Considering international labour codes and standards, what are the gaps in the country level legal frameworks of Bangladesh, India, Nepal, Pakistan and Sri Lanka to protect gender violence and harassment including domestic violence in the world of work?
 - Do they cover a statement not to tolerate any kind of gender violence in the world of work?
 - Do they cover a comprehensive definition of gender violence and harassment?
 - Do they cover a comprehensive definition of domestic violence?
 - Do they include rules for a prior risk assessment of gender-based violence in the workplace?
 - Does such a risk assessment include assessing domestic violence risks?
 - Do the legal frameworks require concerned authority to adopt prevention preparation of gender violence and harassment in the world of work well in advance? [risk assessment/ surveillance/CCTV camera/awareness raising/gender advocate]
 - Do the legal frameworks have defined roles and responsibilities of the different parties (unions, employers & government) to protect gender violence and harassment in the workplace?

- Are the complaint reporting authority/person/committee and respective mechanisms clearly specified in the legal framework?
- Do the legal frameworks enable privacy protection of the complainants and the witnesses?
- Do the legal frameworks enable required protection for the complainants, victims, & witnesses?
- Are the means of inspection, inspection authority and investigation processes clearly specified in the legal framework?
- Do they imply a gender responsive complaint reporting and handling?
- Do they enable timely and efficient processing both internally and in the court?
- Do the legal frameworks enable the victims to get required support services such as legal, social, medical, psychological & administrative support?
- Do the legal frameworks specify necessary monitoring and evaluation?
- Do they enable access to remedy?
- Do the legal frameworks include proper compensation to the victims?
- Are the sanctions specified and acceptable?
- Do the legal frameworks include provision for legal awareness raising of women workers well in advance of the probable risks of gender violence and respective grievance mechanisms?
- Do the legal frameworks recognize the right to union and collective bargaining as a means of protection of gender-based violence?
- Do the legal frameworks enable appropriate recording and documentation?
- Do they enable systematic collection and publication of gender violence statistics?
- Do the legal frameworks enable the unions making necessary partnerships and allies with the relevant rights defending stakeholders and institutions?
- Do the legal frameworks enable the unions to establish political contact to support gender violence protection?
-

Regarding domestic violence

- Do the legal frameworks enable required leave granting to the victims?
 - Do the legal frameworks enable the victims' necessary workplace adjustments including flexible working arrangement?
 - Do the legal frameworks enable temporary protection against dismissal of victims?
 - Do the legal frameworks enable a referral system to public mitigation measures?
 - Do the legal frameworks enable for the victims' appropriate support services?
7. What about available coping strategies of the victims of gender violence in South Asian countries?
 8. What are the available union's practices to protect gender violence in the world of work? What are the ideal roles for a union to protect gender violence and harassment in the world of work narrated in the available literature? As per available literature what a 'gender safe union' should look like? Is there any role for collective bargaining and social dialogue in gender violence protection particularly in the world of work?

APPENDIX VI

TRANSCRIPT: ONLINE BASED CONSULTATION

Participants

PSI

1. Godsen Mohandas- Campaign coordinator for SA
2. Pradnya Kamble

Bangladesh

3. Mozibor Rahman- General Secretary, PBBSKU. Secretary of PSI affiliated National Coordinating Committee, Bangladesh
4. Md. Abul Kalam Azad - General Secretary, BJBSKU
5. Nargis Jahan - President, Bangladesh Women Welfare Workers' Union. Member of SA sub-regional PSI
6. Abu bakar siddik - General Secretary, BSOJKU

India

7. Manoj Doshi- General Secretary, National Organization of Government Employees, India

Pakistan

8. Mir Zulfiqar Ali- PSI coordinator, pakistan. Working on the project of Capacity building and Strengthening of Lady Health Workers Union in pakistan
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Sri Lanka

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TRANSCRIPT

Mr. Zulfiqar from Pakistan:

Basically, we don't have any law on federal level. Because the previous government, Imran Khan government presented a domestic violence prevention and protection act, 2020. But it was introduced in the national assembly by the ministry of human rights. But it was not passed by the assembly and even discussed in the national assembly. After the 18th amendment, all 5 provinces can introduce their own laws. 32:22After devolution of the power by the national assembly, they can introduce the amendment according to the constitution. According to the constitution, all provinces can make their own law. So, all 4 provinces, Sindh, Punjab, Baluchistan, Pakhtunkhwa, they have passed their own legislation from their own provincial assemblies. We have laws on provincial level, but not on the federal level.

We have anti-harassment (cell?) on provincial level and according to that law, we have to form a committee of 3 members, and one should be woman.

In provincial level?

Yes and offices, all government offices

Do your office have such a committee?

The health department has the sexual harassment committee on provincial level as well as on district level. If we have any incident, we can send the women to the committee. One of the committee members must be a women

M. Doshi from India:

India has excellent written laws on the issues that we are covering. We have a very stringent law on dowry and DV as well as SH in WP. The dowry law came into act in 1961, is a parliament act, which is applicable to entire country. All wps whether it public or private, gov, semi-gov, whatever. It is applicable to all. Similarly, we have protection of women from DV act, 2005 which is also very stringent. Third law is about SH of women at WP: prevention, redressal and prohibition. That is also of 2013. All these laws are available on Google. Just Google and find out these three laws. Some laws are extended to 20-40 pages, some more than 12, 14 pages. These laws are very stringent and these laws can be implemented at any workplace, because at workplace, it is mandatory for the management to have an internally inquiry committee whether it is a SH or any kind of Harassment of the women. These laws are enough. But the problem is, number 1, most of the women are not coming forward to register the harassment. Number 2, most of the laws are there but the implementation part is little loose. However, these gaps can be filled if the ladies are made

aware of their rights to complain. And if we can do some awareness program in the wps, then I think, these laws are sufficient to cover all kind of SH, all kind of gender bias, all kind of GBV and other problems that the women have. So, I think, the laws are good, implementation is little loose, and women are not coming up with 100% full-proof complaints. That is the only problem. Otherwise, everywhere there is a committee, the committee is always headed by the women. It should be the women's committee, there should be more than 50% women. Every provision is there, only little bit problem is in the implementation part.

Adhikari from Sri Lanka

This problem of H of women is found everywhere in SA and also positive Sri Lanka. We have (...) however there are enough regulation and tools within the framework of laws of Sri Lanka. The problem is they are not implemented. So, at this moment of time in Sri Lanka, you know we have a lot of unrest in the country. We are unable to meet and discuss the matter at the moment. Although we have discussed it earlier in length. 42:16 So (?) is, non-implementation of the laws that have been available in the statute. So, our request is that we all get together and make the gov to implement the laws and enforce this kind of programs, experience by the trade unions in Sri Lanka and (?) the population of Sri Lanka more than 50% women. Unpaid work is rampant in everywhere because all household ladies are working. Nobody can see the value of work the ladies are putting. It made be the cultural phenomenon that is existing and our religious accuse from long time is to see that the female work at domestic work as important and valuable service to their families and also the country. So you can see we have fallen to a problem in Sri Lanka. And you can see that what is earned today in Sri Lanka is by the female workers. It's those who are working abroad, .. and also the textile industry and they are the people , they are the workers who really satisfy the need of the Sri Lankan economy at the moment . They are valuable, however they are not treated properly in a way they should have. I don't have got much into this aspect.

Md Azad from Bangladesh

Gender issue is the one of the biggest issue also in the work of trade unions.

Actually in the country, there are many rules. But in the unions sometimes there are not enough enforced rules accordingly. In my opinion, in the union we have to work on this and sometimes in Bangladesh perspectives, the other participants from Bangladesh unions they will also discuss. In my view, there is a gap on this particular gender issue. From the unions we have to work on this, identify the gaps, how to work with the national regulations and improve ourselves to work on this specific issue. Sometimes, the females who are working in the environment of the male, because, I work in the electricity department, there most of

the workers are male. Sometimes it's the public sector, the issue from public and private is sometimes make some differences because victims sometimes don't raise their problems to appropriate authorities. As a trade union, we have to work on the gender issue and formulate the guideline or with the national regulations and sometimes the function of the union is little bit different with the other country than Bangladesh because those who are the union key bearer they are actually not paid by the union. In public sector those who are we in the union position, we work on the respective departments and our salary and other things coming from the related enterprises. So for the union, specific assignment from the union work, we are not full-timers. We actually volunteer in the time to work in the union. So in our discussion gender issue has to be introduced and set some regulations first in the union then matching with the national level rules and raise the voices internally and in the national level.

1. Main issue is the implementation of these laws and policies
2. Connecting the laws and policies in the union level
3. Underreporting

M. Doshi from India

The thing is, this is not just a union issue, this is a social issue as well as national issue too. So if society is not very much aware and the society is male-dominated, so generally the women are shy to report such things boldly, they feel that this is common and they have to suffer. This is one kind of thinking long-impact but now the women are also aware of their rights and slowly is missing percentage are lessening, people are reporting. And it is also a gender issue for the union. So union should try to create awareness among their members and we should also as a member try to make aware our society and family members and public at large so that know what are the rights. If they know what the rights are, they will come out with the problems. But since so many people are not knowing about what are their rights, especially women, they have lot of rights, they have equal rights in India, still they are undermined because of the society pattern, because of our old-age civilization, because of social taboos. So there are so many issues which are connected to this. But then only issue is connected to this is we have to create maximum awareness among our union members, especially male members, to sensitize them. If we do not sensitize our male members, then there can be some problems because there is a co-education, there is a co-working, so wherever there is women and men working together, there will be some issues. But then we have to sensitize them also about the rules, about the right of the women and we also have to sensitize women about their rights. If this happens, then it will reduce that is what I feel.

Have you handled any issues of GBV?

We have very few instances in our union, but then we need not to go up to the management or for the redressal committee. We called both the people and settled among themselves. One fellow said "sorry". Another fellow said "ok sorry accepted". So there are some small incidences, big incidences are rare. The max part of DV a DH and SH are expressed in society, home, residential areas, which are out of the workplace. Then it is not only concern of WP only, it is happening everywhere.

In my workplace there was only one incidence but let me tell you these rules are sometimes say 5%, 2% are misused also by false complaints. So first you have to verify whether the complaint is corrupt or not. If the complaint is correct then it is always better to settle it union level rather than making it very big and for that some kind of understanding between the two aggrieved person should be made. We have done that. We have counseled, counseling is very important. So if you counseled the people who are affected, they will understand better. There was one instance in which the union called both parties, there was amicable settlement so it need not to go to. But we have seen that in our organization (I was in public sector for about 40y), in public sector some reported cases are there.

Sometimes there are exaggeration. That incident was 10-15 years ago and it was a minor incident. We settled it by calling both parties in our union office and telling them this is wrong, this and that and they have settled it.

Parshuram from Nepal

I don't have that much data, how much gravity of the gender-based violence in workplace here but issue is rising, awareness is rising day by day and organizations and unions are making aggressive policy which protect the gender right in our workplace. No research so far, we could not get proper data i can produce here but our union is always aware of the gender issues and I don't have that particular case in our organizations where our members, victims are suffered by GBV in our sectors now. Union play the crucial role now all we know that C190 is implementing and we believe that it prevent the Violence in our workplace, so, making campaign and doing the advocacy to pass and ratify very soon, after it ratified, it could be the international law. So anybody who violate should be punished. Now our union's main agenda is GBV here.

Pradanya-PSI

In respect to the part, what is the missing percentage of the reporting, I would like to state one statement that is a there is a thin line between offence, humiliation and harassment and later comes violence. So most of the cases, what happens in India in my opinion, females fail to recognise what is a assault, what is an offence and what is a harassment. Most of the times what happens is people let go that "ok, this has happened this one time, so I might not report this. Let this be a case of senior major issue then I can go for reporting", or something like this. So basically what I would say is more awareness is needed so due to

which we can accumulate (?) that data, and finally we can report it to some kind of processes (?) but I would say that things happen on higher end but due to mutual understandings and proactive unions most of the times these cases are resolved at the end.

Zulfiqar from Pakistan

Our union is basically Lady health workers union. So 95% or more than 95% women so we face often GBV. GBV in their houses, from their parents, husbands and brother and in-laws. They also face GBV at WP, their offices, they also face GBV in their communities because they have to take care of their mother and child and they have to deliver the polio and covid-19 vaccination to the community members. So they normally face the violence in the communities, house, wp, so it's very often.

90% of the lady health workers normally avoid to report the incidences of Violence specially SH violence, because of the family pressure. Family don't want to report this type of cases

If they complain, their male family members pressurize the lady health workers to leave the job and we have cultural taboos in place of non-reporting the cases, and when the union know about a SH case, we take these issues seriously and report to district health head officer and sometimes we report to police station. The deputy commissioner of the district is responsible to provide protection to the LHW of the district so we also engage deputy commissioner of the district. Normally all of the cases settle very amicably because the male members of the family don't want to take up these issues very long or to publicize all these issues so the field is the matter of honour so they don't want to raise these issues.

I'd like to share with you the one case LHW faced. It's a very famous case of DV. It was reported in the media, print, social media, broadcast media in the country. There is a woman, Nasima Akter, she was 38y old, a mother of three children. She was supervisor and an active union leader of the women health workers. Due to the frequent polio campaigns, she returned home very late in the evening, about which her husband had serious reservations. She often tried to explain, but he was not ready to believe her and was convinced that she was using it as a pretext. After many fights, she went to her parent's home, her fpo called her and asked her to come back for polio campaign. She told him about her domestic problem, the fpo also knew her husband and said that he would talk to him. When the fpo talked to her husband, he became further convinced that his wife was involved with him. Her husband apologized and asked her to come back. When she came back to their house, he shot her dead. He was arrested by the police and granted life imprisonment. So, this is a very horrible situation with the community health workers in Pakistan. So, the union take the issue very seriously, we also educate our members to be very careful. All these issues should be reported to at least to the union.

Though India we don't go for ratification of ILO conventions, but we have corresponding laws. The FOA and CB are all covered in TU at 1926. So you can understand, from 1926 to 2022, 96 years we have these acts. These acts are there but as I said earlier, most of the rules and acts are very fine. They are written but the implementation is low. So as far as FOA and CB is concerned, there are certain rules and in India these rules are favorable with unions. With the management, we have CB every time because we have national level, regional level and zonal level recognition of the unions. So our unions are recognized at all the levels and at the national, regional, and zonal level, we have a say in collective bargaining for any kind of problems in the organizations. These are very good in India, only thing is, the implementation by the management or government are little loose. Otherwise laws are very good and India has the most comprehensive written constitution as well as laws in the entire world. Only as I said, little bit problem is the implementation. And both the sides are responsible. Sometimes the union people are little bit lazy to demand their rights and sometimes management is also not ready to give their rights. Then fights will be there and some type of agitations going on. Sometimes fight is also going on. But ultimately our workmen is very happy and more or less they abide by the rules and regulations. They have a good right to FOA as well as CB. Both the things are quite good in place in India.

Union preparation?

We have several PSI supported awareness program to the General members in our union to give them insight of their rights, what are the roles of managements in addressing these things, what the roles of the government in addressing these things and what are the rules and regulations we have conducted in several seminars to our members and members are very much aware of what the SH is and other things.

I really agree with what brother Joshi said, because after the independence, we have also adopted the Indian Trade Unions Act, 1926. It was really very comprehensive law, but over a period of time, gov wanted to curtail TU rights, so they have introduced different laws and curtailed the rights of the labour and now, as I mentioned most of the LHWS are women so it is often serious GBV issues. We have in the unions, committees, ..not only on central level union, also district level unions. So we have two tiers of unions- on central / provincial level and the district level. So we have committee of three members and normally two of the members are women and one is male. So, in case of any complaint, any victim, any lhw can complain to the committee and committee take the issue and call the both parties and investigate it thoroughly, and try to decide the issue amicably. This is basically the strategy we are adopting.

And we also have prepared a charter of demand in consultation with the lhws as well as the mainstream leaders of the union. In their consultation, we held this consultation and prepared a chart of demand. In the chart of demand, the SH and GBV is major issue. It is very much important to us and we always discuss this issue with bureaucracy and the

parliamentarians of the provincial assembly. We engage the parliamentarians to discuss not only the other issues of LHWs, but also as an important issue of GBV with them.

Parshuram from Nepal

As previously said by brother Manoj and Brother Zulfikar, in Nepal we have also strong women-friendly law and policy here but it is not implemented properly and rightly. Problem is the implementation here. As for union considerations, we don't have special mechanism to address GBV complain hearing mechanism over here. What we have grievance dealing committee there. Each handle any type of grievances of its members. What we have realizations and our global unions to push us to make the separate mechanisms in your union. So we are doing so now. In the CB conditions, we are now putting some women friendly demand there. To some extent we have succeed over it but we have too many more in future.

Have you handled any case?

We don't have that experience so far. Never handled.

Mr. Manoj doshi from India

As name suggests, domestic violence is generally in the house by the male member with the female member. This kind of violence has many reasons. There can be social reasons, there can be some relation problem, there can be many problems. But it does affect the work performance. Because once you have a DV, your performance will definitely go down. Secondly, in India, generally the DV are reported to the police and if there is a proof of DV, where lady member is working, husband is also arrested. And it is non-bailable offence. SO in that case, if the husband is in the police custody, he will be suspended from the office wherever he is working. Because in India there is a rule if any government servant is in the custody for more than 24 hours or 48 hours, he will be automatically suspended. So this will affect the male counterpart or DV. Though we have not ratified ILO C190, and it says that DV is to be addressed in office. But then the counterpart cannot be under the control of the office. Say, a lady worker complains about DV by her husband. The husband not employee of that organization, then management cannot do anything but management can only give her some support, give her some counseling and tell her to go to the police department for addressing this. So situation is different in our country, it varies from country to country and from employment to employment. So women are definitely affected, the other person is also if he's working in gov organization, he will be suspended. He will be arrested. But mostly for DV, police department is working and it doesn't have much effect on our workplace except for the performance of the employee.

Because I have seen that 2 or 3 of my colleagues, male colleagues. They are suspended from the office because there was a case of DV against them, registered by his wife. So this things are there. And they were also suspended and there was a parallel inquiry also, because it is a kind of a conduct under conduct rules DV is also covered as a misconduct of a person. So if a person is caught be coming to the office is not of good conduct then office can also take action against him. And depending upon the police reports, if a person is convicted, then he will be removed from the service. So this thing has happened, two-three cases I have seen in my life. Because our DV act is coming to course from 2005, so, last 17 years it is there in law and many people are affected due to this.

Zulfiqar ali from pakistan

I really agree with the Doshi sir. Basically, it's a social issue but in our case, are also very much related to our workplace. Because to perform their duties, the lady health workers go door to door and perform the duties, provide the child and women services and services in the communities as well as polio vaccination, covid vaccination. So, they have different difficulties at workplace as well. But when they came at home, their husband and other family members, show doubts on them because many times they return to their homes very late. So it's also a reason they face domestic violence in the houses. It is really true, in case of domestic violence they have to report the police station, then police take different actions, we have many laws in our country to address all these issues, but it definitely impact very much on their performance of their work. And, you know, LHWs in case of any DV case they also report their union, specially the central leadership of the union. So they also involved sometimes to address/ amicably settle all this issues within their home. Otherwise this issue go to.. take up with the police. This is basically.

I think it's very much important issue for LHW union. So, we are also addressing these issues within the union as well. We have committees as I have already mentioned. But I think the committee members should have the skills to address all these issues. For example, they should have communication skills. If they don't have communication skill and counselling skill, they cannot handle all these issues properly. So they should education all kinds of violence and should know the mechanism, how to deal all these issues. So we are within the union, providing trainings in collaboration with PSI to our committee members, I mean the three members committee. We are trying to educate them on all kind of violence, GBV or SH, all kind of violence within their WP or Home or Community, office.. So, we have to educate all of our members, we should give the knowledge and skills. Its also important our government ratify C190 on all kind of violence. We are also running this campaign but I think because any kind of law is very important to address this issue. So whether we have problems in implementation of the laws but to make the laws we should ratify this, which would be binding of the government to introduce the law on this important issue.

Parshuram Nepal

I totally agree with brother mir and brother manoj, what they said. Harassment is many types: physical or mental. If you are physically abused or mentally abused, it ultimately affects our work environment. We public sector workers always believe that good and quality public services. If you are victimized by someone and abused by your colleagues, or else, how could you deliver the public service? So we can say, GBV if you don't handle it properly, it ultimately affects our services. So, we need to implement our existing law and policy of the Gender issues and pressure and advocacy and to run more and more campaign to ratify the C190.

Mr. Godsen from PSI

1. In the public services sector, the issue of reporting is only little. Little or no reporting. Based on this, conclusion: there is lot of things to do by TU so there is increased reporting
2. TUs particularly in Pakistan and India are more ahead to work with GBVH in the WP but still there are lot of things we can improve in the long run.