

Recommendations of the National Advisory Council

Domestic Workers and Protection of Women from Sexual Harassment at the Workplace Bill, 2010

1. The National Advisory Council (NAC) commends the initiative taken by the Government towards enactment of the *Protection of Women against Sexual Harassment at Workplace Bill, 2010*. This legislation is a step forward towards promoting gender equality and justice and the universally recognized human right to work with dignity.
2. However the NAC strongly feels that the protection of the proposed legislation should be extended to domestic workers. This is important in view of the fact that domestic workers constitute a large section of women workers in India today.
3. Most domestic workers are poor, illiterate, unskilled and come from vulnerable communities and backward areas. They are underpaid and ill-treated as domestic work is undervalued and poorly regulated. Their work place being the confines of private homes, domestic workers, especially live-in workers, are prone to sexual harassment and abuse, without access to any complaint mechanism or remedial measures.
4. This being so, exclusion of domestic workers from the purview of the Bill enhances their vulnerability and denies them protection from abuse.
5. Further, given the fear of reprisal, which routinely prevents women from coming forward to seek protection against sexual harassment at the work place, the safeguards provided to them by this Bill are weakened by the inclusion of Clause 14 (*Punishment for false or malicious complaint and false evidence*), which might deter victims from seeking protection of the proposed legislation. The internal complaints committees or local committees under this Bill, along with several provisions of other existing laws, provide adequate safeguards against false and malicious prosecution and defamation.
6. Given the above factors, the NAC recommends (i) extending protection of the proposed legislation to domestic workers; and (ii) removal of Clause 14 from the proposed legislation.
7. Additionally, to ensure transparency in the functioning of the District officer, the NAC also recommends (iii) clear guidelines for the District officer in constituting and functioning of *the local complaints committee* in the proposed legislation (for those situations or small institutions where no internal complaints committee can be constituted)