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Dignified and Violence-Free World of Work: A Study on Women Working in Informal Sectors in Nepal

Abstract

A significant percentage (**66.5%**)¹ of women in Nepal work in informal sectors and are vulnerable to all forms of violence and exploitation. The violence experienced by women in informal sectors ranges from physical, sexual, and verbal harassment to labor and economic exploitation by employers, co-workers and family members. Existing legal provisions such as **Sexual Harassment (Elimination) at Workplace Act, 2015** do not have specific provisions for informal sectors whereas other mechanisms to address violence against women, in general, remain ineffective in implementation. In addition, socio-cultural norms and structures limit women's access to justice-seeking mechanisms. Despite pervasive instances of violence and harassment experienced by women in informal sectors, there is a dearth of comprehensive documentation and evidence building on this issue. In this light, the paper examines the existing status, nature and experiences of violence faced by women working in diverse areas of the informal economy. It also critically analyses key gaps in existing legal provisions/policies and barriers to implementation from the perspective of informal sector workers.

The paper is based on the findings from 36 case studies of women working in 15 different informal sectors, Gendered Political Economy Analysis (GPEA) with community and policy stakeholders and desk review of relevant policies/legal provisions. The paper shows that women's gendered social roles, lack of collectivisation and representation in decision-making bodies puts them in a weaker bargaining position to voice against instances of violence or to make it a priority agenda of advocacy for policymakers. Similarly, the findings of the paper indicate that lack of adequate and effective policies/provisions on safe working conditions and their implementation leads to invisibilisation of violence at the workplace, enabling powerholders to continue cycles of violence and exploitation without accountability. The paper contributes towards mainstreaming discourses around dignified work for women in the informal economy. It also serves as an evidence-based advocacy document to influence governments to ratify **ILO Violence and Harassment Convention No. 190**, which is a binding international treaty that protects all workers in formal and informal economy.

¹ Nepal Labor Force Survey 2017-18

Introduction

Violence against Women (VAW), in both public and private spheres, is one of the most heinous forms of violation of women's human rights that exists in all parts of the world, and is deeply rooted in economic, social, cultural and structural inequalities including patriarchal and rigid social norms, gender discrimination as well as social and systemic barriers. The informal economy is one of the major sectors where women face most violence in the world of work. The informal economy includes unregistered and unrecognised enterprises, workers who are in precarious circumstances and includes own-account workers, contributing family workers, members of informal producers' cooperatives, and employees holding informal jobs (UN Women, 2020). Women are indeed more exposed to informal employment in more than 90 per cent of sub-Saharan African countries, 89 per cent of countries from Southern Asia and almost 75 per cent of Latin American countries (ILO, 2018). Furthermore, "women in the informal economy are more often found in the most vulnerable situations, and prone to violence and harassment, than their male counterparts" (ILO, 2018). This is largely due to their informal status in employment, lack of legal and social protection, intersections of their gender and insecure working conditions (ILO, 2017).

In context of Nepal, a significant percentage (**66.5%**)² of women in Nepal work in informal sectors and are vulnerable to all forms of violence and exploitation. The violence experienced by women in informal sectors can take different forms including physical, verbal, sexual, economic deprivation and psychological abuse, and is mostly perpetrated by employers, co-workers, state authorities and/or family members. It can also take place in different levels such as private homes, workplace, or community. Although Nepal has some legal provisions to address violence against women, such as the **Sexual Harassment at Workplace Prevention Act, 2015**, it does not have specific provisions for informal sectors whereas other mechanisms to address violence against women, in general, remain ineffective in implementation. Likewise, Nepal has not yet ratified the **ILO Violence and Harassment Convention No. 190**, which is a binding international treaty that protects all workers in the formal and informal economy. On the other hand, patriarchal structures and rigid social norms resulting in gender discrimination and marginalisation of women further exacerbate the vulnerability of women working in informal sectors in Nepal.

The current COVID-19 pandemic has resulted in an alarming rise in cases of violence against women and girls in Nepal – including violence against women in informal sectors. Many women have lost their jobs and have been forced to take up unsafe and low-paying informal work to sustain their living and support their families. Likewise, as staying home and limiting social activity is the primary preventive measure to curb the virus, women are trapped inside their homes with their perpetrators without access to safety and protection.

In this context, the paper aims to analyse the existing status, nature and experiences of violence faced by women working in diverse areas of the informal economy. It also critically analyses key gaps in existing legal provisions/policies as well as larger social and structural barriers that prohibit the rights of women working in informal sector to dignified work, a term which includes women's access to decent work, control over their earnings from that work, and effective voice and representation in all these issues (Boyle, 2016).

² Nepal Labor Force Survey 2017-18

Methodology

The paper uses qualitative methodology and is based on the case studies of 36 women working in different informal sectors of Nepal. The case studies were conducted under the Made by Women initiative, implemented by CARE Nepal in partnership with Home Net Nepal (HNN) over the period January-May 2021. The purpose of the case studies was to contribute to evidence-based advocacy for the ratification of ILO Convention 190 on addressing violence and sexual harassment at workplace.

In-depth interviews were conducted with the women workers involved in 15 different types of informal work to document their experiences of violence and harassment at work. The research participants' social location in terms of caste/ethnicity, age and education was taken into account so that inter-sectional issues of violence could be documented. The selected women interviewees were between the ages of 21-71 years working in different informal sectors such as garment factories, home-based garment production, domestic work, street vendors, beauty salons, rickshaw drivers, carpet factory workers, among others.

In addition, document review of international conventions and national laws and policies were done to analyse the existing legal and structural barriers to addressing violence faced by women in the informal sector.

Key Findings

1. What violence looks like in the informal sector

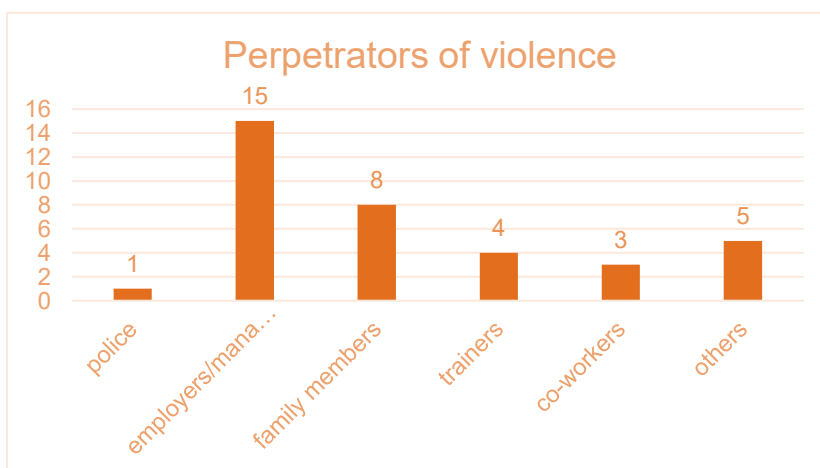
The informal sector signifies diverse work settings and locations which have an impact on the nature of violence experienced by different groups of informal workers (WIEGO, 2018). Violence in the world of informal work can take different forms including physical, verbal, sexual and psychological abuse. It also includes economic deprivation through low and irregular payment or labour exploitation (ibid).

The case studies confirm the instances of multiple forms of violence experienced by women in the informal sector. The interviewed women shared experiences of violence that range from sexual harassment, physical and verbal abuse, threats, economic exploitation to domestic violence.

Mira* is a 30 year old woman who lives with her husband, a son and a daughter. After her previous employment at a factory was discontinued because of COVID-19, she began working under a contractor in the construction field to support her family as her husband's income alone was not enough. In the first month of work, Mira and her other women co-workers were harassed by their male co-workers. They ignored them and continued working for a couple of months with constant teasing and harassment. Mira continued to work despite her husband's insistence to quit. One day, as Mira was carrying a sack full of cement to the first floor when one of the men who used to harass her in the past blocked her path and touched her inappropriately. "I dropped everything and ran down. I shared what happened with my female friends who called the contractor and complained to him. We threatened to quit working," she shares. However, the contractor told them to drop the matter as such things keep happening in the workplace. With no recourse in insight, Mira and her female co-workers quit the job.

*The names of all the case study participants have been changed.

The case studies also reveal that violence in the informal sector comes from multiple sources such as state, employers/co-workers and family. Out of 36 cases of violence and harassment, one was perpetrated by the police, 15 were perpetrated by employers/managers, 8 were perpetrated by family members and acquaintances, four were by trainers, three were by co-workers and rest were by others.



Similarly, the case studies reflect that given the diversity of 'workplace' in the informal economy, the location of violence is also quite diverse. The data shows that of the total cases, 22 instances occurred in closed workplaces (construction sites/office), two on the streets, five at home and five in other public spaces. The non-conventional and diverse worksites have implications on the recognition of violence as occurring at work and on access to justice measures. For instance, the

violence and harassment meted out against women street vendors by state officials (police/traffic police) often do not come in the purview of violence perpetrated at work and is seen as the state doing its duty. Similarly, home-based workers or domestic workers whose workplace is private homes are vulnerable to violence due to isolation and a lack of access to legal recourse.

2. Intersections of gender and informality of working conditions increase women's vulnerability to violence

The intersections of gender and informal/insecure working conditions form the basis of women's vulnerability to violence and their response towards violence.

Women's lack of access to and control over productive resources and decision-making often exposes them to insecure and risky forms of work in the informal sector that are outside the purview of effective regulation. Similarly, in the absence of adequate fallback options and economic security, they continue to work in insecure and exploitative working conditions.

Maiya became the sole breadwinner of the family after her husband, a former police staff, became seriously injured. A lack of formal education meant Maiya's work opportunities were limited. She started making felt products, which pays well but is physically arduous and hazardous. It needs a lot of physical strength to wash the fabric and the chemical used stings her eyes. As she eats and sleeps in the same room, it becomes difficult for her to breathe with the strong smell of the chemicals. On top of that, Maiya experiences harassment from the traders she sells her products to. With no support system at hand, Maiya has been navigating these instances of harassment on her own either by silence or speaking up when it gets too much. Nonetheless, the sense of lack of safety keeps lingering in her mind.

The nature of the informal work that women are prominently engaged in, such as home-based work and domestic work, are not recognised as work and seen as an extension of women's unpaid work based on gender roles (Coles, Macdonald & Delaney, 2018). It results in the invisibilisation of work and lack of effective regulatory measures at the workplace in terms of wages, hours of work, and safety measures (ILO, 2017). This in turn increases their vulnerability to violence and exploitation.

Gomati, 29, used to work as a domestic worker at a former police officer's house. She experienced financial and economic exploitation from the employers. She was asked to work overtime during house parties and was verbally abused when she complained of getting late. As she had not been paid for over three months, she continued going to work. After getting exposed to organisations working on rights of domestic workers, Gomati got the courage to file a complaint at the police station however, as her former employers were people with power, she faced pressure and intimidation not to pursue the case and as a result her case was not registered.

In addition, women's diverse social locations in terms of their caste/ethnicity, migration status, education, family responsibilities, and status of employment, among others, exposes them to increased risks of violence and shapes their ability to deal with it. These caste-based inequalities provide disproportionate power to perpetrators and weaken the bargaining power of women.

Radha, 22, is a Dalit woman and works as a tailor. After the pandemic, she had to close her shop. As she was looking for opportunities to work, she got a temporary assignment of sewing clothes for a family for a wedding event. Radha worked for 3 days at their house where she faced caste discrimination. While she was given food during her work, she was asked to wash her own dishes and store them separately. When she completed her work and asked for her pay, the owner started negotiating her payment. When Radha firmly told him that she would not compromise her market rates, she was asked to come the next day. When she went to ask for her money the next day, the owner who previously did not even let her step inside, asked her to come inside if she wanted the money. He gave her the full amount but at the same time held her hand and touched her inappropriately.

Patriarchal gender norms especially related to women's labour affect women not just at the level of family but they also spill over into workplaces resulting in control over women's mobility, sexuality and access to resources (Peterson, 2018; WIEGO, 2018). Women's choice of nature and location of work, time invested in paid work, and their unpaid care work responsibilities are often dictated by gender norms predicated upon women and men's gendered roles within the family, workplace and society, the failure to comply which often leads to violence.

Sarita, 31, works as a home-based garment worker. Her husband has an iron shop. As her husband's shop had a high workload, he asked Sarita to come join his shop and leave garment work. Although, Sarita's income from the garment work was not regular, she did not want to do a physically arduous work in the iron shop and she did not have the required skills. When she told her husband that she would like to continue her garment work, the husband could not bear Sarita's lack of subservience to her husband. In anger he slapped her, leaving Sarita's eardrums severely damaged. However, the domestic violence continued. Unable to tolerate the violence, Sarita decided to report to the police station. In doing so, she faced threats and intimidation not only from her husband but family members as well. The husband has not repeated the actions after being reprimanded by the police.

As the boundaries between home and workplace are often blurred, especially in the case of home-based work and domestic work, these discriminatory gender norms get more pronounced in such spaces. In addition, the unequal power relations between women and men at home and in the workplace prevent women from speaking up or being heard in instances of violence, and those in power may suppress their voices. Therefore, cultural sanctioning of violence through gender norms and relations and blurring of boundaries between home and workplace leads to underplaying and normalisation of violence in informal workplaces.

3. Impact of violence

All forms of violence have long-term impacts on physical, mental and emotional well-being and integrity of the person. Women workers who have experienced violence in different work settings are prone to vicious cycles of vulnerability and economic marginalisation. As discussed in the previous section, the invisibility and normalisation of violence in informal workplaces prevents adequate mechanisms and safety measures to be put in place and perpetuates cycles of violence. With no provision and access to legal and mental health recourse and services, women end up living with unresolved trauma for years that has a detrimental effect on their mental health and self-esteem. In addition, fear of getting victimised again leads women to withdraw from the labour market, increases their economic dependence and also prevents them from organising and collectivising.

Mira, who had quit the construction company following sexual harassment from co-workers, shares she has not been able to sleep properly and suffers from stress and anxiety. While her two female co-workers have started working for a new contractor, Mira keeps getting reminded of the traumatic experience at the construction site and does not have the strength to join new work at the moment.

On the other hand, women's withdrawal from the workplace as a result of severe physical, mental violence and harassment also affects the employers in the form of decrease in production and lack of adequate human resources. Employers have an important role in creating dignified work environment for women informal workers and therefore should be held accountable to ensure violence free and harassment free working conditions.

4. Individual and collective agency to fight violence against women in informal sectors

Individual and collective agency may serve to reaffirm social order by reproducing norms and existing social relationships, or it may serve to challenge and remake social order by going against the status quo to create new norms and relationships (Emirbayer & Mische, 1998). In this case, the individual as well as collective agency of women working in the informal sector to speak up and take action against the violence perpetrated against them by employers, co-workers, family members or police becomes an important factor for determining their access to justice and legal protection. Most of the cases studied indicate that when women were able to exercise their individual agency and seek help from alliances, networks and/or unions working for the rights of women in informal sectors—such as Home Net Nepal, Association of Street Vendors etc—their collective agency became a stronger force to fight against the violence and abuse faced by the women as well as seek for legal protection, alternate livelihood options and hold decision makers accountable to protect, promote and ensure the rights of informal workers.

“I was finally able to escape from an oppressive hotel owner and get a better job in a housekeeping department of a Tranquility Spa, after seeking help from Urban Job Hub promoted by HomeNet Nepal.” (Ganga)

“With support from the Association of Street Vendors, I filed a complaint against the police officer who exploited and took me to jail, against the laws, just because I told a reporter about the police’s exploitation.” (Diya Khawas)

It shows that the collectivisation also enabled women to take action against the injustice inflicted to them by police, regarded as a powerful state actor, which, otherwise, would have been quite difficult and risky. On the other hand, it also shows that state actors, responsible for ensuring safety and justice of the people, on the contrary, have been found misusing their power and authority over relatively less powerful and weaker individuals or groups, just because their access to collective spaces, legal protection and justice seeking mechanisms are limited.

“...That day I felt like I regained my dignity. I stick to the law and continue my business on my push cart. But the fact remains - there are still hundreds of other sisters like me who have to face abuse from the police.” (Diya Khawas)

It further indicates that although collective agency and support mechanisms might have helped some women working in informal sectors to get justice, there are still many women who have been facing exploitation and harassment from powerful state authorities and private sector. For those who do not reach these collective safe spaces or justice seeking mechanisms, they have no option but to silently suffer the injustice. It also infers how women’s individual and collective agency is closely associated with their identity, dignity and aspirations, and how important it is to further strengthen this sense of agency to further work for the empowerment of women in informal sectors.

All these evidences also open up a whole new discourse on the spaces and processes for collectivisation of women working in informal sectors, along with their equitable access to these spaces and processes. Since most of these associations and networks are based in the capital city, how can women in rural areas be a part of and/or seek support from these alliances or networks? Are these alliances equally accessible to all women, despite their geographical, social or economic limitations? Likewise, it also poses questions regarding the roles of these networks and alliances in advocating for and influencing broader policies of the government to incorporate provisions regarding the rights of informal workers including women, as well as ensure their implementation. Thus, in general, we can say that lack of collectivisation and representation in decision-making bodies puts women in a weaker bargaining position to speak out against instances of violence or to make it a priority agenda of advocacy for policymakers. There is a need to further strengthen

these networks and organisations and scale up their efforts, so that employers, co-workers and state authorities such as the local police are well-aware of the consequences of violating the rights of women working in informal sectors. Similarly, there is a need to critically engage with women in the informal economy to reflect on the violation of their rights and how they can engage as active change agents and mobilise their individual or collective action to address these issues.

5. Lack of adequate and effective laws, polices/provisions on safe working conditions and their implementation

There is lack of adequate and effective polices/provisions on legal protection and safe working conditions for women working in informal sectors. Although there are many legal acts and policies which prohibit sexual violence and harassment at the workplace, such as the **Sexual Harassment at Workplace Prevention Act, 2015**, Labour Act, 2074, Code of Conduct Against Gender Based Violence at Workplace in Industrial Enterprises, 2010, Criminal Code Act, 2074, Domestic (offense and punishment) Act, 2066, Electronic Transaction Act, 2063 etc., none of these acts and legal provisions specifically address the issues of informal sector. On a broader level, the Articles 18 and 38 of the Constitution of Nepal disregard gender-based discrimination and ensure protection of women against any forms of physical, mental, sexual and psychological violence respectively. Similarly, there has been a tripartite agreement among the Ministry of Labor, Federation of Nepalese Chamber of Commerce and Industries (FNCCI) and trade unions to end workplace discrimination, and the Supreme Court of Nepal also gave directions to the government to introduce measures against the harassment and gender-based discrimination faced by women working in entertainment sectors. However, despite all these efforts, there is again a lack of formulation of legal policies or provisions that specifically addresses the violence faced by women in informal sector. More importantly, Nepal has still not ratified for ILO Convention 190, which is a crucial international convention which specifically addresses violence against women in the workplace, including the informal sector. One of the major reasons for this exclusion of informal sector from legal dimensions could be lack of data and statistics on violence faced by women in informal sectors, which further leads to invisibilisation of the issue from social, economic and structural dimensions.

“I was fired from a job because I complained to my manager about the inappropriate advances and exploitation by my supervisor, saying that I should not have made it a big issue. There is no legal provisions or help that I can seek to take action against the employers and get justice.” (Adiva)

On the other hand, the existing legal provisions and policies on gender-based violence, although not directly related to women in the informal economy, have not been implemented properly due to deep-rooted patriarchal socio-cultural norms and structures, lack of proper regulatory mechanisms and lack of accountability from state actors. Thus, due to the weaknesses and gaps in policy formulation as well as implementation, the culture of suffering in silence continues, further enabling powerholders to continue cycles of violence and exploitation without accountability.

6. Structural and systemic barriers

The social structure and systems in Nepal have been heavily influenced by patriarchy and rigid socio-cultural norms that perpetuate divisions, inequalities and historical marginalisation based on gender, caste, ethnicity and class. These patriarchal social norms have been deeply-rooted in our structures, systems as well as mindsets of the people. It is also one of the core causes for the gaps seen in formulation and implementation of laws related to violence against women in informal sectors, lack of interest and accountability from concerned government authorities, relevant stakeholders and institutions including municipalities, district based small and cottage industry offices, business promotion centres, Ministry of Labour, Employment and Social Security, Social Security Fund, private sectors, banks, financial institutions and government departments on skill and vocational trainings. Until now, the institutions and structures that work for the rights of women working in the informal sector are limited to trade unions, local

government, and associations formed by the informal worker themselves, and their involvement is mostly limited to supporting the workers to file cases or complaints or seek better job opportunities.

“My products are bought by wholesale shops at Jawalakhel. However, the art, skills, time and energy put into making those products haven't been fully valued. I was never paid fully and I realised how much my labor work is being exploited. When I bring up the topic, the shopkeepers threaten me look for other jobs saying that there are many like me who will provide them with the products.”

In fact, this structural and systemic discrimination starts from the family itself and extends to close community, market, private sectors, financial institutions, government institutions and broader societal levels. At the market level, women's lack of access to market and the need of intermediaries to sell their products result in low value of their work, harassment and exploitation. It also shows that women in informal economy have limited avenues to report regarding the injustice done to them in the forms of low wage, unpaid overtime work or other forms of labour exploitation, leaving them with no option except continuing work with the oppressors.

Humanitarian crisis such as COVID-19 have further exacerbated and escalated these structural and systemic discrimination, and these discrimination and inequalities are quite visible in the form of loss of jobs, obligations to work in unsafe and risky working conditions, increase in cases of abuse and exploitation, as evidenced by the cases studied here.

Conclusion

The study shows that informal sector women's fight for dignity, safety and security continues. On one hand, women's gendered social roles based on patriarchal norms and structures normalise the violence and exploitation faced by women in informal sectors. On the other hand, lack of adequate and effective policies/provisions on safe working conditions and their implementation limits their access to justice seeking mechanisms. The study also shows that violence faced by women in informal sectors is very complex and multi-dimensional, because of the diversity of the nature of violence, diverse locations and levels of violence as well as diverse nature and power dynamics of perpetrators.

Thus, there is an urgent need for evidence-based policy advocacy from concerned stakeholders including trade unions, associations of informal workers as well as civil society organisations to formulate as well as ensure effective implementation of specific laws and provisions that address the complexity and intersectionality of the diverse forms of violence faced by diverse groups of women in diverse sectors of informal economy. These advocacy efforts should also be linked with national and international alliances and networks through social movement building, in order to gain more collective strength and solidarity. At the same time, these advocacy efforts should incorporate and reflect the real voices and lived experiences of the women from the margins by ensuring their access to leadership and decision-making roles in these structures and alliances. There is an urgent need for evidence-based advocacy for the ratification of ILO Convention 190 through the collective efforts of all stakeholders to give visibility and voice to the issue of informal workers at national and international levels. In particular, there is a need for strong collaboration among tripartite constituents (government, employers association and trade unions) to promote, protect and fulfill the rights of informal sector working women by holding them accountable to ratify ILO Convention 190 and ILO Convention 187, which is focused to strengthen decent work for domestic workers free from violence and harassment.

Likewise, there is also an urgent need for accessible and equitable safety, protection and justice seeking mechanisms for women in informal economy, in both public and private spheres. More specifically, prevention and protection against violence must consider informal workers' places of work, namely public spaces (i.e. streets, landfills) and private homes. It must also consider that providing protection against violence at work for those who work in informal workplaces has to move beyond formal labour regulation. Given that violence against women is embedded in social contexts, prevention and protection require strategies that challenge the value systems, norms and social environments that normalize violence. There is also a need to introduce and implement specific interventions that address specific needs of women in informal sectors, such as safe spaces for collectivisation, access to loans, financial services, markets and capacity enhancement opportunities. Finally, especially during emergency situations like COVID-19, there is a need to introduce alternate income generation options, relief support and referral services (legal and psycho-social) through collective efforts of concerned state and non-state authorities and institutions. Violence faced by women in informal sectors is one of the serious forms of violation of human rights of women, and all concerned stakeholders including women in informal sectors themselves, should collectively raise their voices against it, so that necessary actions are taken from legal, socio-economic and structural dimensions to address the issue, and ensure safe and dignified living conditions for women in informal sectors.

Acknowledgements

We would like to thank CARE Nepal and HomeNet Nepal for their valuable support and guidance. More importantly, we are very grateful to all the women informal workers who were our case study participants for sharing their lived experiences and helping us produce this paper.

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