

Internal Framework
to
Address Gender Related Issues Faced
by the Employees within
Dzongkhag Administration, Tsirang

1. Rationale and Background

Bhutanese women play a pivotal role for the overall development of the country. The Royal Government of Bhutan (RGoB) has come up with numerous policy, legislative and institutional reforms to provide the best possible environment for their participation in every sphere of developmental activities. Constitution of the Kingdom of Bhutan, Domestic Violence Prevention Act (DVPA) 2013, Domestic Violence Prevention Rules and Regulation (DVPRR) 2015, Penal Code of Bhutan (PCB) 2004 (Amendment Act 2011), Labour and Employment Act of Bhutan 2007, Regulations on Working Conditions 2012, Civil Service Act of Bhutan 2010, Bhutan Civil Service Rules and Regulation 2018 are some legal instruments that provide a platform for women to contribute in societal progression. .

Bhutan ratified the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) without any reservation in 1981 and adopted the Beijing Declaration and Platform for Action in 1995 which *ipso facto* provides a legal basis to set up various operational mechanisms in line agencies and ministries to address discrimination against women and increase participation of women in development amongst others. To this, the National Commission for Women and Children (NCWC) was established in 2004 with the mandate to coordinate, monitor, advocate and report on the rights of women and children in the country.

In order to achieve this national goal, NCWC initiated various programs to mainstream gender through specific incorporations into the five-year development plan; appointment of Gender Focal Persons (GFPs) in various ministries and agencies and development of capacities and tools for gender mainstreaming was initiated. To better implement and to make the working environment much friendlier for working women, National Plan of Action on Gender (NPAG) 2008-2013, extension of paid maternity leave from existing three months to six months and paternity leave from existing five working days to 10 working days, introduction of gender friendly facilities like separate toilets, and introduction of support mechanism like for instance Civil Service Support Desk were successfully legislated.

In spite of all these remarkable achievements, women's participation over all development needs of the country remains comparatively low. Therefore, this internal framework has been developed

in accordance with the existing legal framework and procedures, and it is expected to strengthen friendly working environment for women employees in Tsirang Dzongkhag.

2. Objectives

The internal framework was developed with the following objectives:

- i. To eliminate all forms of discrimination including sexual harassment at workplace
- ii. To enhance understanding on gender issues including Violence Against Women (VAW) in particular sexual harassment at workplace;
- iii. To create conducive working environment, avoid gender discrimination, and ensuring more women's participation in decision making process.

3. Areas/components that the internal framework will cover the following key areas:

i. Harassment at work place including sexual harassment:

The Gender Focal Point (GFP), or HRO as the case maybe, shall be the focal person who shall facilitate the reporting of sexual harassment and other forms of harassment to the management. The victim shall be supported by the GFP and the management, and the cases shall be disposed in accordance with Bhutan Civil Service Rules and Regulations 2018.

ii. Awareness on Sexual and other forms of harassment:

The focal person in consultation, GFP in case of Tsirang, shall advocate on sexual harassment, its forms and the mechanism in placed to be addressed to the employees working in Dzongkhag Administration. Such similar program shall be initiated in target groups including Gewogs, schools and such other institutions.

iii. Women friendly facilities at work place

Following facilities may be considered to address the needs of male and female employees. These facilities includes:

- a. Breastfeeding facilities wherein a separate room may be allotted.
- b. Separate toilet for male and female
- c. Sanitary bin in female toilets

iv. Representation of both male and female employees in the important committees

The administration shall ensure that there is equality of gender representatives in important decision making committees particularly the Human Resource Committee (HRC), Dzongkhag Tender Committee (DTC), Housing Committee (HC), Grievance Redressal Mechanism, Internal Review Committee, and such other committees. The administration may also assess the existing members of various committees & recommend for change if necessary to ensure representation of both male and female employees.

v. Implementation of flexi timing to working mothers

The Dzongkhag shall ensure to implement the flexi timing as provided under section 10.7.7 of BCSR 2018.

vi. Awareness on gender and child protection issues including sexual harassment

The Dzongkhag administration shall conduct such advocacies on basic concepts and issues related to gender and child protection during such staffs meetings. The Dzongkhag may seek such technical advises and supports as may be, or the GFP as the case may be to advocate on gender issues. The GFP shall ensure an effective implementation this internal framework, and in doing so the administration shall facilitate in such funding from relevant stakeholders.

4. Monitoring and Evaluation:

The NCWC, being the nodal agency for protection and promotion of the women and children's welfare, shall monitor the implementation of the internal framework through the GFPs twice a year. The GFPs will share the implementation status of the internal framework to NCWC during the biannual GFP consultation or through the online Gender Monitoring System (*gems*). The NCWC will explore existing platforms including through the Annual Performance Agreements to ensure implementation of the framework.

The Internal Mechanism
on
Reporting Sexual and other Forms of Harassment at
Workplace

I. Introduction

Article 7.15 of the Constitution of Bhutan guarantees that every individual is equal before the law. Further, the Domestic Violence Prevention laws, penal laws, civil service laws, and electoral laws provides for equal participation of women in equal spheres.

This “internal mechanism to report sexual harassment and other forms of harassment at workplace” is being developed in line with the “Internal framework to address gender related issues faced by the employee within Dzongkhag Administration, Tsirang”.

Introduction of this internal framework in the Dzongkhag administration shall reduce the incidence of both *quid pro quo*” and “*hostile environment*” sexual harassment. It shall also enhance the individual participation at workplace and strengthen the conducive working environment for women.

II. Purposes of the Internal Framework

The purpose of the internal framework is to:

- i. Eliminate all forms of sexual discrimination including sexual harassment at work place;
- ii. To develop a clear understanding on gender issues including violence against women and gender based violence; and
- iii. To create conducive working environment for all individual, especially women employees.

III. Complaint Committee

The HRC of the Dzongkhag Administration, Tsirang, may constitute a complaint committee to ensure that any sexual harassment or such other harassment is being effectively addressed. To this, the Dzongkhag may form a separate committee or delegate this responsibility to such similar committee, for instance Grievance Redressal Committee, who shall observe the highest standard of confidentiality of the case.

The GFP, who is also a member, shall act as a bridge between the committee and the victim shall assist to report the case to the committee.

IV. Procedure to Complaint

The GFP shall receive the complaint, either through email or any other means of delivery as prescribed in sexual harassment complaint form, and shall be forwarded to the complaint committee for such disposal. The written complaint may contain the following but not limited to:

- i. Date, time and location of incidence
- ii. Name of the respondent and the nature of working relationship
- iii. Evidences/witnesses, if any.

V. Code of conduct for Committee

The complaint committee shall ensure the following code of conduct:

- i. Confidentiality of the nature of the case;
- ii. Avoid prejudice when the case is reported;
- iii. Ensure fair process in hearing the case;
- iv. Ensure that the victim is not discriminated due to the current case;
- v. Avoid discussion of the facts of the case in presence of the complainant and the respondent; and
- vi. Dispose the case in accordance with the relevant provisions under BCSR 2018 or such other legislations bearing close proximity with the given case.

VI. The Harassment Complaint Process

- i. The GFP shall forward the complaint received to the complaint committee within 10 working days;
- ii. The complaint committee may dispose the case within 90 working days through limited procedures that maybe established among the committee during such committee sittings;
- iii. A copy of such disposal shall be send to the NCWC; and
- iv. Any aggrieved party may appeal to the Hon'ble District Court.

VII. Awareness and Prevention of Harassment at Work Place

The GFP shall initiate in advocating on sexual harassment, the provisions under internal frame work, the mechanism instituted, the relevant provisions provided under the laws and such other legislations that would provide conducive working for women employee in the Dzongkhag administration.

Further, the GFP may initiate to especially focus the support staffs on above areas.

VIII. Gender Friendly Facilities at Work Place

In this part, “section 3.iii of the internal framework to address gender related issues faced by the employee within Dzongkhag Administration, Tsirang” shall be incorporated.

IX. Monitoring and Evaluation

The NCWC, being the nodal agency for protection and promotion of the women and children’s welfare, shall monitor the implementation of the internal framework through the GFPs twice a year. The GFPs will share the implementation status of the internal framework to NCWC during the biannual GFP consultation or through the online Gender Monitoring System (*gems*). The NCWC will explore existing platforms including through the Annual Performance Agreements to ensure implementation of the framework.

This “Internal framework to address gender related issues faced by the employee within Dzongkhag Administration, Tsirang” and “The Internal Mechanism on reporting sexual and other forms of harassment at workplace” was developed on this February 19, 2018 in Gregorian calendar coinciding with 4th day of the first month of earth male dog year.