

Term of Reference (TOR)

Study on “Sexual Harassment at Workplace: Strategy to Combat & Way Forward”

Background and Introduction:

Manusher Jonno Foundation (MJF) works to end violence against women & girls because it is a human rights violation and a major obstacle to human development. Everyone has the right to live without fear of violence and abuse, and this is the ethos which underpins the work of the MJF’s Violence against Women & girls. So, to enhance the capacity of civil society and public institutions to address violence against women in public and private domain are the purpose of this component. Promotion of gender equality and the protection of women’s human rights by reducing violence women & girls in targeted area are major objectives. (See more at www.manusherjonno.org).

Manusher Jonno foundation has implemented a project title on ‘**Strengthen civil society and public institutions to address combating gender based violence and build community resilience to adapt climate change**’. Under the GBV part of the project, eight program partners are engaged a) to increased social and community especially men and boys awareness of women’s right to safety, security and bodily integrity at home, community and workplace, b) to strengthen women’s confidence and leadership to prevent VAWG and increased civil society capacity to monitor implementation of legislation, identify and address institutional constraints and develop strategies to prevent VAWG) to ensure women workers in RMG sector enjoy security from physical and sexual abuse in the workplace. Two partners; KarmojibiNari, and Awaj Foundation are responsible for implementing the last objective (c) of the project.

Rationale for the Study:

The readymade garment sector (RMG) in Bangladesh has become the backbone of the country economy, producing more than 80% of the country’s exports. The rise of the readymade garment industry in Bangladesh in the early 80s has provided women with opportunities for the first time in the history, to work outside for wages. The sector is one of the most significant sectors in Bangladesh. About 4 million workers are directly involved within this sector, of which about 85% are women, making it the largest employer of women in Bangladesh¹. Most of these women are poor, low or unskilled rural migrants and amongst the most vulnerable social group in the society. The sector contributes about 10% to GDP and accounts for 82% of the overall export earnings.² Women are entering the workforce in increasing numbers and their labour force participation rate has increased to 36% compared to 82.5% for men (Bangladesh Labour Force Survey 2010). The female share in industry employment increased from 23.4 to 33.6 % and the female share of service employment rose from 17.7 % to 19.4 %.

GBV at garments have multidimensional feature. A number of studies on the prevalence of gender-based violence in the garment have shown that, in Bangladesh, 75% of women garment workers had experienced verbal abuse, and 20 % physical abuse. (Fair Wear Foundation, 2013). It also has negative consequences for both workers and employers. It has been recognized that hostile working environment leads to low productivity and high worker turnover. It also limits the potential contribution of millions of women workers to the economy. In Bangladesh, women workers in RMG sectors remain silent about the matters of violence and decent working conditions. They are not equipped to challenge the various rights violation against them. Factory owners are not willing to adopt relevant standards and policies to ensure women workers’ rights as well as to defend them from different forms of violence.

¹ Bangladesh Bank, Quarterly Review on RMG: October-December 2015.

² Export contribution to GDP declining, Dhaka Tribune, 22 September 2016, <http://www.dhakatribune.com/bangladesh/2016/09/22/export-contribution-gdp-declining/>

The issue of sexual harassment at workplace is another form of violence against the garments workers. Women workers are subject to victim of sexual harassment silently. It is often impossible to protect and prevent themselves from the sufferings of the harassment. The social, cultural stigma and lack of proper legal provisions keep them faraway for claiming justice. If you looked at the Labour Law (amendment) 2016, it did not get much attention for the women garment workers. There is no direct provision against sexual harassment or GBV except the Section 23 where it is mentioned as only misconduct and no detail about the punishment for such offence. On 14 May 2009 in response to a Public Interest Litigation (PIL) a division bench of the High Court delivered a milestone judgment by issuing certain directives in the form of guidelines to be treated as law and strictly complied by employers in the public as well as private sectors with immediate effect.

Under this landmark judgment catalyzed the authorities to set up complaint committees in accordance with the directives of the Apex Court. After the direction of the High Court, Bangladesh Garments Manufacturers Employees Association (BGMEA) have formed anti- sexual harassment committees centrally and notified around 3000 enlisted garments factories to comply with the directives of the Supreme Court in the RMG sector. Bangladesh Knit Wear Manufacturers' and Exporters Association (BKMEA) had also formed complaint committee and notify their exiting members to formulate a complaint committee at their respective work places. Considering the context MJF is going conduct a study on 'Gender based Violence against Garment Workers: Looking for Strategy and Way Forwards' in the project intervened garments.

Purpose of the Study: The central purpose of the study to explore the multi dimension of Gender based violence which is experiences the garments women worker and the redress system considering institutional and national legal instrument.

Objectives of the Study:

1. To explore conceptual understanding, practices and experiences of gender based violence specially focus on sexual harassment against women garment workers at their workplace, private and public domain.
2. To identify the consequences and impact of sexual harassment on the working environment, on productivity, and workers' attitudes or commitment to their work. It also examines the relationship between sexual harassment and their occupations if any.
3. To identify the practices and implementation gaps of the High Court judgment to address the issue of abuse of sexual harassment for protecting and safeguarding the rights of the women worker at work place.
4. To identify intervention strategy and way forwards for future policy advocacy.

Scope of study:

- To identify the main parameters through which garment workers conceptualize and experience of sexual harassment.
- Identify the root causes of sexual harassment in the workplace and nature of the sexual harassment.
- Get to know co-worker (male) attitudes in the workplace, who are perpetrated the harassment.
- Know the dimension of sexual harassment regardless education, position, religion, etc.
- Know the dimension of sexual harassment at their house and public domain.
- It looked at the consequences and impact of sexual harassment on the work environment, on productivity, and workers' attitudes and responses to their work.
- It will focus to identify the relationship between sexual harassment and conditions of work.
- The study will follow case study documentation to get qualitative information from the victims of sexual harassment at work place.
- Study will assess the knowledge and attitude of factory management to ensure garments worker rights; safety and security in term of implementation of anti-sexual harassment, judgment i.e. provision of committee formation and make it functional.

- It will also look knowledge of factory management, and their representatives on labour rights, labour law, and compliances to protect workplace violence.
- Finally, the study will recommend formulating strategies, based on women garment workers' experiences, which the state and labor rights groups can take to combat sexual harassment.

Sample of the study:The study sample would be designed to elicit detailed information to fulfill the aforementioned objectives from 22 selected garments located at Mirpur, Dhaka and Pachlish, Chittagong. The sampling method will also consider male and female workers number proportionately. The consultant will propose a representative size of sample following a recognized scientific method.

Methodology:A purposive survey method will be followed for selecting the garments. Considering the sample size structures/semi-structures questionnaire survey need to be conducted.

KII and FGD: Desk Officials of Ministry of Labor, Ministry of Industry, Ministry of Education, and Department of Women Affairs, Industrial Police/Thana, One Stop Crisis Center, Victim support center, BGMEA, BKMEA, BTMEA, Bangladesh Employers Federation, City Corporation Mayor and ward commissioner, Trade Union leaders and factory management personnel etc.

Documentation of cases or experience: To get qualitative information the consultant will be documented 10-15 interesting cases or experiences from the victims of sexual harassment at work place.

Key Competences:

- Excellent English written communication skills, with analytic capacity and ability to synthesize issues and relevant findings for the preparation of quality proposals and reports
- Excellent understanding on concepts and to synthesize information from different sources into a coherent document
- Skill in fact-finding in relevant issues
- Maturity and confidence in dealing with senior and high-ranking members of government, BGMEA, BKMEA and other relevant national institutions.
- Displays sensitivity and adaptability to different cultures, genders, religions and age groups
- Good oral communication skills and conflict resolution competency to manage inter-group dynamics and mediate conflicting interests of varied actors.
- Good team player, self-starter, has ability to work under minimum supervision and maintain good relationships

Deliverables and deadline:

The study is expected to start in 1st February 2018 for an estimated duration of **40 calendar working** days. This will include desk reviews, field work - interviews, data collection, and analysis and draft report sharing.

The consultant will submit a proposed work plan with key milestones within a week of signing the contract; this work plan will be reviewed and approved by MJF. It is anticipated that the final report will be produced within **40 calendar working days of signing of the contract**. While the draft report is produced, it should be shared with MJF and MJF will provide feedback on draft report by one week after receiving the draft report. During the whole period of the assignment, follow up meetings will be held between the contracted consultant/consulting firm and Manusher Jonno Foundation as possible.

Output & Reporting:

- A detailed work plan
- Agreed action plan for the consultancy
- A draft inception report of not less than 10 pages should be prepared by Consultant team. The inception report will set out team's competency and understanding of the task, the methodology and production of final report.

- Data collection instruments(Documentation of the methodology including methods and survey tools, questionnaires, sampling, tools and final analysis)
- Draft study report shall present the main findings and include recommendations based on information gathered on said issues
- Presentation on draft report should be in English (preferably in ppt.)
- 2 copies of final report (hard copy) and soft copy of the final report excluding annexes
- Data set of qualitative analysis and other relevant documents should be submitted
- A draft report will be submitted to MJF electronically no later than 25th **March 2018** and **final report should submit by 10th of April, 2018.**
- The report should be 35 to 40 page-long (excluding annexes)

Instruction on proposal Submission:

Responding consultants should prepare and submit a financial and technical proposal including prospers business certificate, cover letter, work plan, CV of team members, evidence of similar work experience(National/International), Tax Identification Number/certificate by the 20th January 2018. VAT & Tax will be deducted at source as per govt. rules. 15% VAT can be shown in the proposal but Tax will be included in Fees.

Payment mode:

- Payment will be made in a/c payee cheque or through bank transfer on submission of invoice. 20% payment on submission of inception report and work plan, 30% on submission of draft report and rest 50% on submission of final report.
- All costs incurred in the preparation of a proposal responding to this request for quotation (RFQ) will be the responsibility of the bidder and will not be reimbursed by MJF.
- Tax and VAT will be deducted at source as per govt. rules
- If any circumstances, any failure at your end happened, you will compensate those or refund the proportionate amount to MJF within a shortest possible time.
- In the event of a major natural disaster, war or major civil or political unrest this agreement may be renegotiated and jointly revised between the two parties recognizing any consequent change in the environment for implementation.

Termination of the agreement:

Either party can terminate this agreement with a written notice within 20 (twenty) days from the date of signing this agreement. MJF reserves the right to unilaterally terminate the contract if:

- The consultant/organization cannot fulfill any clause of Terms of Reference
- The consultant/organization cannot conduct 30% of work in due time

Ownership agreement:Any document, information or data entrusted to or produced by the Consultant/organization in connection with this assignment shall be strictly confidential and cannot be used by the consultant organization for any other purpose without the written consent of the MJF authority. This provision shall remain valid even after the completion of this assignment.

Note: Failure to comply with any of the above requirement will cause the proposal to be rejected. Submission should be sent through either email: ramesh@manusher.org , preferably hard copy to the **Coordinator – Admin & HR, Manusher Jonno Foundation, House #22, Road #4, Block-F, Banani, Dhaka 1213** by **20 January, 2018**.For any query, please contact with Shoma Datta, Deputy Program Manager, shoma@manusher.org.