

Ministry of Health

Internal Framework to address gender related issues at workplace

A. Rationale and Background

Recognizing the important role that the Bhutanese women play in the overall growth and development of the country, the Royal Government of Bhutan (RGoB) has made a number of policies, legislative and institutional reforms to provide the best possible environment for their participation.

Some of the national legislations that emphasize on addressing discrimination against women including at work place includes the Constitution of the Kingdom of Bhutan, Domestic Violence Prevention Act 2013, Domestic Violence Prevention Rules and Regulation 2015, Penal Code of Bhutan 2011 (Amendment), Labour and Employment Act of Bhutan 2007, Regulations on Working Conditions 2012, Civil Service Act of Bhutan 2010, Bhutan Civil Service Rules and Regulation 2012. At the international front, Bhutan ratified the Convention on Elimination of All Forms of Discrimination Against Women without any reservation in 1981 and adopted the Beijing Declaration and Platform for Action in 1995.

These legislative frameworks provided basis for setting up of various institutions and operational mechanisms and called for interventions to address discrimination against women and increase participation of women in development amongst others. Thus, 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.

Subsequently to achieve the mandates, vision and missions of the Commission and to realize the provisions enshrined in various national and international legislations, specific interventions targeted at addressing discrimination against women and increasing women's participation in development were carried out.

At the same time mainstreaming 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. Some of the notable achievement includes: formulation of the 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, introduction of support mechanism like for instance Civil Service Support Desk and enhancing understanding on the role of women in development.

Despite such remarkable achievements, participation of women in overall development and decision-making in particular remains comparatively low. Therefore, this internal framework is developed in keeping with the provisions of the existing legal framework and procedures and it is expected to strengthen the environment for women's participation in the socio-economic development.

As per the Annual Performance Agreement for the financial year 2016-17 signed with the HPM and MOH, one of the mandatory objectives is "to create conducive environment for gender equality and child protection". There are two success indicators to measure the achievement of this objective, which are; i. *"timeline by which childcare center (crèche) for the employees is provided"*, ii. *"timeline by which internal framework to address gender related issue faced by the employee within the sector concerned is developed"*.

B. Objectives

The internal framework was developed with the following objectives:

1. To eliminate all forms of discrimination including sexual harassment at workplace
2. To enhance understanding on gender issues including Violence Against Women sexual harassment at workplace
3. To create conducive working environment for women's participation in development.

Areas/components that the internal framework will address

The internal framework covers the following key areas:

1. Harassment at workplace including sexual harassment:

As per the Labour and Employment Act, 2007, sexual harassment is defined:

- a. an unwelcome sexual advance or an unwelcome request for sexual favors to the other person;
- b. Engaging in any other unwelcome conduct of a sexual nature in relation to the other person

Following are the sexual harassment complaint procedure to be complied within the office of the Ministry of Health:

- a) The victim of harassment at work place shall make a complaint in writing identifying the alleged harasser or harassers, describing the incident or incidents including places, times and dates, naming any witnesses, signing the complaint form and submit to the Hon'ble Secretary, Ministry of Health. The GFP will facilitate the victim in filing the complaint.
- b) Hon'ble Secretary will then assign three officials to make a preliminary enquiry to establish the facts for determining the authenticity of the allegation mentioned in the complaint. The team shall submit a report Hon'ble Secretary within three working days.
- c) On establishing that the complaint is true, the Chairman of HRC will discuss and appoint an investigation team which will commence investigation and submit the findings to the Chairperson, HRC within five working days after formation of the team.
- d) The outcome of the investigation shall be submitted and discussed in the subsequent HRC and the decision of the HRC will be communicated to the victim.
- e) If a victim is not satisfied with the decision, he/she may choose to seek support from Civil Service Support Desk in RCSC.

2. Gender friendly facilities at workplace

The Ministry will consider the different needs of male and female employees and provide gender friendly facilities to address those needs. Some of the facilities include:

- a. **Breastfeeding facilities:** Those offices where public services are provided (ex hospital, land services, customs) a separate breastfeeding room or a space will be provided/designated to facilitate breastfeeding for the service users. All other offices will explore providing a private working space for nursing mothers to facilitate breastfeeding.

- b. **Separate Toilets:** Separate toilets for male and female employees with basic amenities for example sanitary bins in the female toilets will be provided. Clear and visible signboards will be placed in those facilities.

3. Implementation of flexi timing to working mothers

The RCSC has amended the Sections 10.2.4 and 10.2.5 of the BCSR 2012 on maternity and paternity leave vide notification no. RCSC/LZ-63/2016/2611 on March 1, 2016. A mother with baby/ies upto 24 months may be allowed to extend lunch time from 12:00 noon till 2:00 PM. **Awareness on gender and child protection issues including sexual harassment**

The Gender Focal Point (GFP) and the Child Protection Focal Point (CFP) of the Ministry will create awareness on sexual and other forms of harassment at workplace, related legal provisions and operational mechanisms. The awareness will be targeted both at support and the management level. The GFP and the Child Focal will use the existing forums/mechanisms to create awareness or carry out a separate targeted program depending on the need of the employees. The GFP will collaborate and seek necessary technical support from the Department of Labour, NCWC and the Gender Expert Group.

Gender and Child protection point's sensitization to the new recruits of the Ministry will be streamlined or instituted with the induction program coordinated by the HRD for every recruit in the Ministry.

The Department of Medical Services will adopt from this framework and design/customize accordingly to be used in the health facilities.

C. Role of NCWC, GFPs and the respective agencies

- The NCWC as the nodal agency for the protection and promotion of rights of women and children in the country will provide technical and other necessary support in the implementation of the internal framework.
- The GFP as the focal person on gender issues of the agency will facilitate the implementation of the internal framework and seek necessary support from the NCWC or any other relevant agencies to implement the framework
- The respective agencies will allocate financial resources and provide necessary support to the GFP or any other person responsible to ensure implementation of their own internal framework

D. Monitoring and Reporting

The NCWC will 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. The NCWC will explore existing platforms including through the Annual Performance Agreements to ensure implementation of the framework.

Complaint form at work place, Ministry of Health	
Employee Information	
1	Name
	Official Address
	Telephone Number
2	Person(s) you allege committed the harassment
	Name
	Official Address
	Telephone number
Harassment Complaint Information	
3	Date of incident
	Time of incident
4	Name
	Person(s) who witnessed the incident
	Name
	Official address
	Telephone No
5	Please describe the incident in detail, including your reaction to incident
6	Signature of Complainant