

Nepal:

Entertainment as Decent Work

Life of Women Working in the Entertainment Sector: Rights to decent work and a living wage in Kathmandu, Bhaktapur and Lalitpur

In 2008, the Supreme Court of Nepal issued a verdict and procedural guidelines giving protection against economic and sexual exploitation to women and girls in the entertainment sector. The directive has not been implemented. This must change.

Entertainment work is not fully recognised as work by state, labour authorities or police. Women work in dance bars, duet restaurants, cabin restaurants, massage parlors and open restaurants in urban areas. Pursuing professions and sustaining families, women work as waitresses, dancers, singers, hostesses, cooks, captains, Guest Relation Officers, and masseuses. In 2008 there were about 50,000 women working in entertainment in the Kathmandu Valley. Study results show 96% of women migrate from rural areas.

In 2013 women established two area committees in affiliation with Nepal Independent Hotel, Casino and Restaurant Workers' Union (NIHWU), an independent labour union under the General Federation of Nepalese Trade Unions (GFONT). Entertainment workers often face violations of labour and other rights. Very few women want to leave their jobs, and instead want the sector to be managed and well regulated.

Existing & Unimplemented Policy

The 2008 Supreme Court verdict and procedural guidelines for the prevention of sexual harassment against working women at workplaces like dance restaurants, dance bars, etc. states that customers should be informed that verbal and physical sexual abuse is not tolerated. Women workers are not to be forced to do any work against their will. Further, the government is to formulate a law regulating the sector.

A new law has not been written, and no entertainment workplace has seen significant changes resulting from the directive's protections. A district monitoring and action committee has been set up to ensure its implementation. The committee, led by the Chief District Officer, is passive.

Workers should however benefit from a 10% service charge rule. 68% of the collected charges from customers is to be distributed equally among staff. In practice, owners keep it. Workplaces are not regulated or inspected.

Entertainment work has not been formally recognised as work. If it was, the 2013 law establishing minimum salaries of 8,000 rupees (82 USD)/month and 8 hour work days would apply.



Research interview at the Ministry of Labour and Employment.

About the Research Programme

Women Forum for Women in Nepal (WOFOWON) led the feminist participatory action research for this brief from August 2012–September 2013 in Kathmandu, Bhaktapur and Lalitpur. WOFOWON worked together with women who work or have worked in the entertainment sector in Nepal. 400 women participated in the research, 69% of whom are from ethnic groups.

This research is part of APWLD's FPAR Programme in 8 countries.

What does Entertainment Work Involve?

"Hostesses welcome customers, arrange tables for them, sit and eat with them at some of the restaurants; whereas at other restaurants, hostesses have to take care of the bills. Captains have to make all the bills, and make sure the customers pay the bills. Guest Relation Officers (GROs) have to make sure more and more customer visit the places. They have to politely speak with the customers."

- Karisma (name changed) who has worked in dance bars and duet restaurants for over 4 years

WOFOWON & APWLD Rural and Indigenous Women Claiming Rights: Nepal

Searching for Work

The situation started getting tense around 2002 and 2003. We were a group of 4 friends who were being searched by both the army and rebels. We decided to escape and go to Kathmandu to save our lives. We thought we could find jobs in Kathmandu and live there, at least survive. My grandmother would always torture me when I tried to study. So I couldn't study after class 8. When we came to Kathmandu, we could not find work since we didn't have academic certificates or professional skills. After days of living on one meal a day, sometimes hungry, I found a job at a cabin restaurant through one of my friend's friend.

– Leader in the sector, working for 5 years

Missing Rights to Decent Work and a Living Wage

Wages & Contracts:

99.5% of women are not given contracts or appointment letters, detailing work duties and wages. Owners verbally agree on salaries of typically 1500-6000 rupees (15-62USD) per month, far below the 8000 rupee minimum. In practice, 28% of women do not receive their monthly salary, and 79% of those who do, do not receive it on time.

Physical & Sexual Violence:

'The employer beat me without a reason. When I told him I would leave the work, he forcefully took me inside the office, closed the restaurant, brought out a pistol, beat me and threatened to kill me if I left.' Employers as well as customers are perpetrators. Sexual assault is relatively more frequent in massage parlours.

Police Violence:

Police violations include arbitrary arrest, physical and sexual assault, discriminatory and abusive language, and harassment. If a workplace is raided and owners have fled, police arrest staff members. Women are bonded to employers who pay bail. Police often harass or arrest women on their way home at night.

Social Exclusion:

Landlords often refuse to rent rooms to women workers, or charge discriminatorily high rates. 45% of women renting rooms report slander, discrimination or refusals to open gates at night. A social norm establishes a 'good' woman as a homemaker. Families and wider society exclude women who disrupt this



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norm. Yet, families take money women earn, and the government collects tax from women's work.

Changes Required/Policy Recommendations:

1. The procedural guidelines against sexual violence against women working in the sector must be fully implemented. The district monitoring and action committee must start working effectively in all districts. As per the directive, the government must formulate a law addressing and ensuring labor rights and all human rights of women in the entertainment sector, with principles based on CEDAW and the Universal Declaration of Human Rights.
2. The Labor and Employment Ministry, Ministry of Women, Children and Social Welfare, Ministry of Law, Justice, Constituent Assembly and Parliamentary Affairs, Ministry of Home Affairs, District Administration Office, Police Administration, and Women and Children Office must coordinate implementation of laws and programs to ensure rights of women in entertainment work. NWC and NHRC should mediate and apply pressure to relevant agencies, particularly working to change police violations towards women in entertainment.
3. The government must include entertainment work under the Labor Act of Nepal and provide legal and national validation and recognition of the work as decent work. During the research, employers said that if a proper monitoring and regulating system is introduced and properly implemented, this sector can be well managed.