1. Introduction and scope

Legal Aid and Consultancy Centre (LACC) is committed to providing a work environment that is free from harassment in any form. In keeping with that commitment, The LACC has established procedures by which allegations of sexual or other unlawful harassment may be reported, investigated, and resolved.

Under the constitution of the organisation, in line with the prevalent laws of Nepal and national and international commitment made by the country and the organisation. LACC has framed this anti-sexual and other unlawful harassment policy effective for its Board members, General members, employees, clients and visitors. This policy applies to all Executives, General Members, employees at all LACC's locations, activities, and other events and at any other time when interacting with colleagues or otherwise representing LACC. The LACC strongly disapproves of and will not tolerate the sexual harassment of any of its employees by anyone, including, but not limited to, managers, supervisors, employees, applicants, clients, vendors, and independent contractors. The LACC also strongly disapproves of and will not tolerate the harassment of any of its employees on the basis of their gender, race, color, religion, national origin, age, sexual orientation, or disability. It is the responsibility of all employees, at all times, to contribute to a workplace that is free from sexual and other unlawful harassment. This requires that employees do not engage in offensive or inappropriate behavior and that they report incidents of such behavior.

2. Types of Sexual and Unlawful Harassment:

We believe that sexual harassment can happen to any person irrespective of their age, gender, faith, nationality or geography. Harassment includes any unwelcome verba, physical, or visual conduct that denigrates, shows hostility or aversion toward an individual or his / her relatives, friends, or associates. Harassment may also have a purpose or be intended to create an effect resulting in interference with an individual's work performance; by creating an intimidating, hostile, or offensive working environment; or otherwise affecting an individual's employment opportunities. Some examples of conduct which may be considered to be prohibited harassment include but are not limited to:

Mainly the following type of harassments may happen within the context of an organisation. In this policy, sexual misconduct shall be defined as any of the following activities:

2.1 Quid pro quo:
- Where a supervisor asks or hints at sexual favors in return for employment benefits
- Where a service provider asks or hints sexual favours in return of providing services to the client.

2.2 Hostile work environment:
- Repeated sexual advances, gestures, jokes, or other comments that prevent an employee from working without intimidation or threat.
- Derogatory comments of sexual nature or based on gender
• Unnecessarily showing/presenting of sexual visual material or pornographic material such as posters, cartoons, drawings, calendars, pinups, pictures, computer programs of sexual nature
• Written material that is sexual in nature, such as notes or e-mail containing sexual comments
• Comments about clothing, personal behavior, or a person's body
• Patting, stroking grabbing or pinching one's body
• Obscene phone calls
• Telling lies or spreading rumors about a person's personal or sex life
• Rape or attempted rape.
• Lewd or sexually suggestive comments
• Unwelcome sexual advances
• Explicit sexual propositions
• Sexual innuendo
• Requests for sexual acts or favors (with or without accompanying promises or threats of reciprocal favors or actions)
• Foul or obscene language or gestures
• Sexually oriented "kidding," "teasing," or "practical jokes"
• Display of foul, obscene, or sexually explicit printed or visual material, including pictures, greeting cards, articles, books, magazines, photos, or cartoons
• Physical contact such as patting, pinching, or intentionally brushing against another's body
• Slurs, jokes, or degrading comments concerning gender, gender-specific traits, age, race, color, national origin, religion, sexual orientation, or disability.

3. Nature of perpetration:

• The perpetrator can be anyone, such as a client, a co-worker, a parent or legal guardian, relative, a teacher or professor, a student, a friend, or a stranger.
• Harassment can occur whether or not there are witnesses to it.
• The perpetrator may be completely unaware that his or her behavior is offensive or constitutes sexual harassment. The perpetrator may be completely unaware that his or her actions could be unlawful.
• Incidents of harassment can take place in situations in which the targeted person may not be aware of or understand what is happening.
• An incident may be a one-time occurrence.
• Adverse effects on harassed persons include stress, social withdrawal, sleep disorders, eating difficulties, and other impairments of health.

4. Actions

Employees who believe that they have encountered or witnessed inappropriate behavior are strongly encouraged to promptly notify the offender that his or her behavior is unwelcome.

3.1 If there is a concern about sexual misconduct, the matter should be referred to the Security Coordinator or Executive Chair or designated whistle blower of the Board whomever the victim feels confident to report. He/she shall then co-opt a person of the opposite gender to help him/her investigate the matter with discretion and the following action shall be taken:
a) Form an investigation committee of 3 members consisting of at least a board member, a senior staff member and if required external expert. One of them shall be assigned as the caseworker.

b) If the evidence is clear and obvious to establish the sexual harassment:-
   - If employee, he/she shall be terminated of their job
   - If member, he/she shall be repealed their membership of LACC, and,
   - Referred to the nearest and most feasible legal remedies.

4. Victim Support

The needs and well-being of such victim(s) shall be paramount in determining the course of action taken under 3.1(b) above. Within the context of the legal framework and respecting the wishes of the victim, every effort shall be made to provide appropriate care and support to the victim(s), whether or not they are LACC staff/member.

4.1 One suitable qualified person with relevant experience and expertise shall be assigned by the Executive Chair, from within or outside LACC, to the role of Caseworker for the victim(s). This caseworker shall be independent of those providing counselling to, or undertaking investigation of, the offender. The Caseworker will be free to consult other expertise as necessary but will endeavour to keep such consultation independent of that provided for the offender.

The Caseworker will have responsibility for:
   - As far as possible, determining the nature and extent of the abuse by assessment of the victim and, in the case of children, relevant members of the victim’s family, and
   - As far as possible, determining the wishes and needs of the victim(s) that result from the experience of abuse.

The Caseworker will have authority to make recommendations concerning:
   - Provision of an appropriate response, including arrangement of counselling and/or therapy,
   - Limitation of the offender’s access to the victim,
   - Limitation of the offender’s work and living situation, and
   - Notification of the relevant authorities.

6. Documentation

Any medical documentation relating to sexual misconduct will be maintained in strictly confidential files held by the LACC Executive Chair. All other correspondence/documentation relating to sexual misconduct will be held in a sealed envelope in the Staff’s Personnel file, noting that such documentation may be viewed only on the authorisation of the Executive Chair or as ordered by the legal prosecution.

Updated and endorsed by Executive Board on February 2019