

Sexual Harassment Study Executive Summary

A taboo until recently, the issue of sexual harassment in the workplace is gaining growing recognition. With the data indicating a steady growth in the participation of women in Nepal's labor market, it may be assumed that the problem of sexual harassment at workplace should be growing. This study on sexual harassment in Nepal has been one of the few. Conducting a study on a subject considered taboo was challenging, as at times it was difficult to get interviews. Nonetheless, there were interviewees who appreciated the study on a subject like this, and showed great enthusiasm to respond to our queries.

This study has dealt with perception, nature, prevalence and effects of the problem. It has looked into legal and other mechanisms available or not available. It also includes recommendations from all concerned agencies to address the issue of sexual harassment in the workplace. The findings of the study would contribute to develop a framework, which would be needed to form laws and policies on sexual harassment. This research has not only tried to collect information but has also taken it, as an opportunity to pass a message that sexual harassment is a serious issue and a crime.

Respondents perceived sexual harassment in the workplace, as a gender issue, an uninvited embarrassing, humiliating behavior and workplace violence. Common features of sexual harassment found during the study are verbal, gestural, physical and pornographic or written.

Out of 62 total respondents, 5 trade unions, 23 Policymakers/civil societies, 20 employee/workers and 14 employers/management were interviewed.

In this study 53.84 percent of female employee/workers have responded that they themselves experienced sexual harassment in the work place whereas 57.14 percent male and 23.08 percent female employee/workers viewed that they were aware of sexual harassment in the workplace. The study shows that 88 percent of policy makers/civil society and 72.72 percent of respondent employers/management viewed that sexual harassment is commonly practiced at mass workers 1[1]level. Likewise, 80 percent of policy makers/civil society and 72.72 percent of employer responded that sexual harassment is also practiced in helper level2[2].

Out of the respondents belonging to policy makers/civil society, 72 percent said that the garment industry is the area more prone to sexual harassment and 68 percent said that it is the carpet industry that is more prone to it. However, the significant percent of

1[1] Mass worker level: For the purpose of this study- workers who work in-group, e.g.: carpet workers, garment workers, factory workers etc.

2[2]Helper worker level: For the purpose of this study- workers who basically provide assisting work, e.g.: sweepers, cleaners, domestic helpers etc.

respondents also claim that private firm, government, domestic work sphere, hotel and restaurant are other areas prone to sexual harassment.

The effects of sexual harassment on victim and the employer organization are manifold which include social, cultural and economical. It also affects health of the victims and causes physical and psychological disturbances. The effects on the organization includes loss of productivity and profitability, tarnished profile of the organization, disturbed working environment, displacement and non-availability of skilled human resources, and increase in costs due to recruitment, training and/or legal defense.

The research, though exploratory in nature, clearly indicates seriousness of the situation of sexual harassment in Nepal. It has also made recommendations for more comprehensive and nationwide study on the issue. Initiatives are being taken by some trade unions and media to make workers/employers aware on the issue of sexual harassment. However, they are not adequate. Hyatt Regency Hotel Pvt. Limited has created a benchmark by including sexual harassment at workplace as one of the grounds for departmental actions.

There are various laws in Nepal, which deal with sexual exploitation. However, there exists no specific law to deal with sexual harassment. The respondents of the study have viewed that employers/management should be made accountable for sexual harassment in their organization. It is simply because, it is the ultimate responsibility of the management/employer to provide a secure working atmosphere. The respondents also felt it necessary to make the harasser liable in both civil and criminal actions.

Respondents pointed out that trade union, employee/worker organization and each individual needs to take concrete measures to curb the problem of sexual harassment. Workplace should have an inspiring atmosphere that would encourage a person to be constructive and productive.

Civil Societies should lobby with the government and parliament to enact appropriate law and to consolidate the efforts of different sector to deal with the issue. Media is the strongest influence and therefore needs to play a role to recognize sexual harassment as a gender-based crime and a violation of workers right. The government should take effective measures including strong penal sanctions, civil remedies and compensatory provisions to protect women against sexual harassment in the workplace.

Implementation of General Recommendation No 19 of CEDAW as a guideline to protect women against violence including sexual harassment in the work place. Sexual harassment at workplace is a gender based discrimination and violence against women, hence it is a violation of human right of women. Therefore, state should try to protect human rights of women and gender equality taking accountability under various human rights instrument ratified by Nepal.

States should encourage the compilation of statistics and research on the extent, causes and effects of sexual harassment, and on the effectiveness of measures to prevent sexual

harassment. Labour Office should play an effective role to monitor the employment conditions of workers. Gender sensitive training to judicial, quasi-judicial bodies (Labor Department, Labor Office etc) and law enforcement officers and other public officials are essential to provide justice to the victims of sexual harassment.

A specific ILO convention should be developed to deal with the issue of sexual harassment. International cooperation should be promoted for awareness programs to research, law formulation and care and support to the victims. Sexual Harassment is a human rights issue, a labor issue and a health and safety issue and hence needs a serious attention and action from all sectors in the country.