

Effective as from 1 January 2018

GENDER POLICY

1. INTRODUCTION

The Legal Assistance Centre recognises and affirms the inherent equality and dignity of all persons. Equality necessitates equal opportunities for women and men, without discrimination on the grounds of sex, race, gender, religion, culture, sexual orientation, disability or any other status, so that the dignity and freedom of the individual may be assured. Realising that women traditionally have suffered discrimination in the past and have occupied a subservient role in society, the Centre commits itself to eliminate institutional discriminatory practices that threaten the ideals for which the Centre stands, which would allow a climate where people are respected as equal human beings without the fear of sexual harassment, violence and sexual abuse. The Centre should positively affirm the position of women, as the vestiges of their subservient role could hinder women realising their full potential.

2. COMMITMENT

The Centre commits itself to promote gender equality and affirmative action for women by developing and implementing a gender policy and ensuring that its members undergo various gender sensitisation programmes. Specific measures include:

2.1 Elimination of Discriminatory Practices

- 2.1.1 The Centre will strive for equal representation of women in the Coordinating Committee and as co-ordinators of projects, and will take gender into consideration when employing and promoting staff.
- 2.1.2 The Centre should ensure that all staff are equally responsible for all activities of the Centre, irrespective of gender.

2.2 Employment Practices and Capacity building, including training and workshop and conference attendance

- 2.2.1 The Centre will embark on an affirmative action programme to address gender imbalances in the organisation as outlined in the Centre's Affirmative Action Policy. This affirmative action programme will ensure equal practices. In particular, women will be afforded the opportunity to apply for and occupy positions of responsibility and decision-making as the necessity of women taking decisions on issues affecting women is appreciated. Women will be assisted in acquiring skills needed to perform such responsibilities.
- 2.2.2 To obtain the necessary skills, the Centre will render financial assistance to women to pursue educational studies to equip them in such field and will render continuous support and encouragement.
- 2.2.3 Where the need arises, the Centre will go beyond existing measures of assistance regarding contributions to further studies or the minimum number of years required to qualify for assistance in order to assist such women.



- 2.2.4 Where possible, all employees shall have equal opportunities to attend educational workshops within and outside Namibia.
- 2.2.5 Measures aimed at capacity should be geared at advancing the position of all staff and women in particular. Constant staff training should be conducted, and the particular needs of women should be considered and addressed in training.
- 2.2.6 Staff performance, including gender sensitivity, should be appraised by the existing performance appraisal system, which should be rigorously applied.

2.3 Removing employment barriers

Existing or perceived barriers that hinder women in employment in the Centre should be removed. In particular, as a result of historical and traditional reasons, women have not had the same opportunities as men to obtain drivers' licences. Women will be encouraged to get driver's licences and will have equal access to the use of the Centre's vehicles. Having a valid driver's licence will not be a job requirement unless absolutely essential.

2.4 Disciplinary Code and Grievance Procedures

- 2.4.1 The Disciplinary Code and Grievance Procedures should be fair and just to all staff and not act as a bar to women to lay claims in cases of sexual harassment. The sensitivity of gender-related complaints should be appreciated and dealt with accordingly.
- 2.4.2 Disciplinary and correctional procedures dealing specifically with sexual harassment will be implemented to provide for redress and appropriate responses in cases of sexual harassment.
- 2.4.3 The Disciplinary Code and Grievance Procedures should be accessible to all staff.

2.5 Sexual Harassment

- 2.5.1 Section 5(7)(b) of the Labour Act, Act 11 of 2007, defines sexual harassment as any unwarranted conduct of a sexual nature towards an employee which constitutes a barrier to equality in employment where-
 - (1) the victim has made it known to the perpetrator that he or she finds the conduct offensive; or
 - (2) the perpetrator should have reasonably realised that the conduct is regarded as unacceptable, taking into account the respective positions of the parties in the place of employment, the nature of their employment relationships and the nature of the place of employment.
- 2.5.2 It is specifically noted that sexual harassment can take place in any form whether from a senior staff member to a junior staff member or from an employer to employee or *vice versa*.
- 2.5.3 Recognising the right of all persons to have their dignity and bodily integrity respected, and realising the gravity of sexual harassment and the debilitating effect it has on the victims thereof, the Centre will adopt guidelines on sexual harassment that will call for a prompt and serious response to incidents of sexual harassment. These measures will indicate unambiguously that sexual



harassment will not be tolerated and will encourage aggrieved parties to immediately report incidents of sexual harassment. The following procedures need to be followed:

1. The aggrieved employee can lodge a grievance by completing the necessary grievance forms; or
2. The aggrieved employee can approach any employee with whom he or she feels comfortable. The approached employee has the duty then to take the grievance forward to the appropriate management level depending on who allegedly committed the harassment.

