



Sexual Harassment Policy

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TABLE OF CONTENTS

ITEM	CONTENTS	PAGE
1.	Introduction	2
2.	Policy Statement	2
3.	Application	2
4.	Definition of Sexual Harassment	2 - 3
5.	Forms of Sexual Harassment	3
6.	Principles	3
7.	Procedures	4 - 5
8.	Confidentiality	5
9.	Additional Sick Leave	5
10.	Approval	6



1. INTRODUCTION

The object of this policy is to create a safe, zero-tolerance work environment free of sexual harassment. It provides appropriate procedures to deal with the problem and prevent its recurrence. The policy aims at developing a workplace that is free of sexual harassment where employees respect one another's integrity, dignity, privacy and right to equity in the workplace.

2. POLICY STATEMENT

- 2.1 All employees, job applicants and other persons who have dealings with the business have the right to be treated with dignity.
- 2.2 Sexual harassment in the workplace will not be permitted or condoned.
- 2.3 Persons who have been or are being subjected to sexual harassment in the workplace have the right to lodge a grievance about it and appropriate action will be taken.
- 2.4 Allegations of sexual harassment will be dealt with seriously, expeditiously, sensitively and confidentially.
- 2.5 Employees will be protected against victimization, retaliation for lodging grievances and from false accusations.

3. APPLICATION

- 3.1 The perpetrators and victims of sexual harassment may include management, supervisors, employees, job applicants, clients, suppliers, contractors and others having dealings with the SETA.
- 3.2 A non-employee who is a victim of sexual harassment may lodge a grievance with management if the harassment has taken place in the workplace or in the course of the harasser's employment.

4. DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is unwanted, unwelcome and inappropriate conduct, remarks or physical advances of a sexual nature. The unwanted nature of sexual harassment distinguishes it from behaviour that is welcome and mutual.

Sexual attention becomes sexual harassment if:

- 4.1 The behaviour is persisted in, although a single incident of harassment can constitute sexual harassment; and/or

- 4.2 The recipient has made it clear that the behaviour is considered offensive; and/or
4.3 The perpetrator should have known that the behaviour is regarded as unacceptable.

5. FORMS OF SEXUAL HARASSMENT

Sexual harassment may include unwelcome physical, verbal or non-verbal conduct, but is not limited to the following examples:

- 5.1 Physical conduct of a sexual nature includes all unwanted physical contact, ranging from touching to sexual assault and rape, and includes a strip search by or in the presence of the opposite sex.
- 5.2 Verbal forms of sexual harassment include unwelcome innuendoes suggestions and hints, sexual advances, comments with sexual overtones, sex-related jokes or insults or unwelcome graphic comments about a person's body made in their presence or to them, unwelcome and inappropriate enquiries about a person's sex life, and unwelcome whistling at a person or group of persons.
- 5.3 Non-verbal forms of sexual harassment include unwelcome gestures, indecent exposure, and the unwelcome display of sexually explicit pictures and objects.
- 5.4 Quid pro quo harassment occurs where a member of management or co-employee undertakes or attempts to influence or influences the process of employment, promotion, training, discipline, dismissal, salary increments or other benefits of an employee in exchange for sexual favours.
- 5.5 Sexual favouritism exists where a person who is in a position of authority rewards only those who respond to his or her sexual advances, while other deserving employees who do not submit to sexual advances are denied promotions, merit rating or salary increases.

6. PRINCIPLES

- 6.1 Employees are required to refrain from committing acts of sexual harassment.
- 6.2 Management and employees should ensure that their conduct does not cause offence and they should discourage unacceptable behaviour on the part of others.



7. PROCEDURES

7.1 Options

Although the process entails one of two possible options, the employee should feel under no duress to accept one or the other option.

7.2 Informal procedure

The employee concerned is given an opportunity to explain to the person engaging in the unwanted conduct that the behaviour in question is not welcome, that it offends them or makes them uncomfortable, and that it interferes with their work.

If the informal approach does not resolve the matter satisfactorily, if the case is severe or if the conduct continues, it may be more appropriate to embark upon a formal procedure. (Severe cases may include: Sexual assault, rape, a strip search and quid pro quo harassment.)

7.3 Formal procedure

A grievance may be lodged with a representative from Human Resources.

If the case is not resolved satisfactorily, it will be dealt with in terms of the dispute procedures (see below).

7.4 Investigation and disciplinary action

Care will be taken during each investigation of a sexual harassment grievance that the aggrieved person is not disadvantaged, and that the position of other parties is not prejudiced if the grievance is found to be groundless.

Serious incidents of sexual harassment or continued harassment after warnings are dismissible offences.

7.5 Criminal and civil charges

A victim of sexual assault has the right to press separate criminal and/or civil charges against an alleged perpetrator. The legal rights of the victim are in no way limited by this policy.

7.6 Dispute resolution

Should a complaint of alleged sexual harassment not be satisfactorily resolved by the internal procedures set out above, either party may within 30 days of the dispute

having arisen, refer the matter to the CCMA for conciliation in accordance with the provisions of section 135 of the Act. Should the dispute remain unresolved, either party may refer the dispute to the Labour Court within 30 days of receipt of the certificate issued by the commissioner in terms of section 135 (5).

8. CONFIDENTIALITY

8.1 Employers and employees must ensure that grievances about sexual harassment are investigated and handled in a manner that ensures that the identities of the persons involved are kept confidential.

8.2 In cases of sexual harassment, management, employees and the parties concerned must endeavour to ensure confidentiality at the disciplinary inquiry. Only appropriate members of management, and the aggrieved person, his or her representative, the alleged perpetrator, witnesses and an interpreter, if required, should be present at the disciplinary inquiry.

8.3 Employers are required to disclose to either party or to their representatives such information as may reasonably be necessary to enable the parties to prepare for any proceedings in terms of this policy.

9. ADDITIONAL SICK LEAVE

Where an employee's existing sick leave entitlement has been exhausted, management will give due consideration to the granting of additional sick leave in cases of serious sexual harassment where the employee, on medical advice, requires trauma counselling.



10. APPROVAL

Document Name	Sexual harassment Policy
Year of Current Review	2022/2023
Year of Next Review	2026/2027
Review process championed by the Chief Executive Officer	
Name of the CEO	Mr Thamsanqa Mdontswa
Signature: 	Date:
Document reviewed and recommended for approval by HR and Remuneration Committee	
Name of the Chairperson	Ms Motlalepula Molefe
Signature: 	Date:
Approved by the Board	
Name of the Chairperson	Mr Chris Mudau
Signature: 	Date: