

SEXUAL HARASSMENT POLICY

1. BACKGROUND

The objective of this policy is to give practical guidance to employees on the protection of the dignity of women and men at work. The aim of the policy is to ensure that sexual harassment does not occur, to ensure that adequate procedures are readily available to deal with the problem and prevent its recurrence. The policy thus seeks to encourage the development and implementation of practices that establish working environments free of sexual harassment in which women and men respect each other's human dignity.

To ensure compliance with Labour Relations Act (Act 66 of 1995) and the Employment Equity Act (Act 55 of 1998) the following policy has been approved by the Council.

2. PREAMBLE

All employees have the right to work in an environment that is free of Sexual harassment. Conduct characterised as Sexual Harassment by any staff member will not be tolerated. The Council will also endeavour to protect employees from harassment by non-employees in the work place. Employees, job applicants and persons who have dealings with the Council have the right to be treated with dignity.

Managers and supervisors are required to ensure that all reports of Sexual Harassment are treated seriously and sympathetically, that investigations are carried out thoroughly, confidentially and promptly, that complainant and witnesses are not victimised and that employees are fairly and equitably treated.

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3. POLICY

This policy outlines guidelines aimed at combating sexual harassment.

It is the duty and responsibility of all employees to comply with the policy and to ensure that their colleagues are treated with respect and dignity. Allegations of sexual harassment will be dealt with seriously, expeditiously and confidentially and employees who bring in a complaint of sexual harassment will be protected against victimisation or retaliation. Appropriate disciplinary measures will be taken against employees found guilty of sexual harassment.

The Municipality regards harassment as offensive, degrading and potentially threatening and it will not be tolerated. Individuals at any level, found to have engaged in conduct constituting harassment will be disciplined. The Municipality encourages reporting of all incidents of harassment, regardless of who the offender may be. All employees have the right to pursue a complaint without fear of reprisal or retaliation.

This policy forms part of the Municipality's broader policy to promote equal opportunities.

4. DEFINITION

Sexual harassment is defined as unwanted conduct of a sexual nature.

Sexual Harassment consists of:

- # Verbal abuse or innuendoes of a Sexual nature

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- # Remarks or suggestions about a persons sex or private life
- # Suggestive comments about a persons appearance or body
- # Unwanted physical contact or touching
- # Obscene gestures or indecent exposure
- # Staring, leering, whistling
- # Display of sexually offensive material, including posters, pictures or objects.

- # Direct Sexual proposition or continued pressure for dates and sexual favours
- # Letters or calls of a Sexual nature
- # Any of the above as a form of exchange for employment advancement or dismissal, or the provision of benefits

Sexual favouritism exists where a person in authority regards those who respond to his/her sexual advances.

The severity of an offence of Sexual Harassment will depend on the circumstances and nature of the offence, with the possibility that a single serious act could warrant dismissal.

5. PROCEDURE FOR REPORTING SEXUAL HARASSMENT

Any employee who feels that he or she has been sexually harassed is encouraged to bring the matter to the attention of their line manager or HR Department. Allegations will be investigated immediately, and as confidentially as possible.

In the case of alleged incidents, whether confirmed or not, management will ensure that any victimisation will be dealt with

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severely. Disciplinary action will be invoked against anyone who deliberately lodges a false accusation.

6. PROCEDURE FOR DEALING WITH SEXUAL HARASSMENT

The aggrieved employee must be advised that he/she has two options to resolve the issue, viz. an informal or formal option.

◆ **Informal**

Discussion and/or mediation by the line or HR Manager. This procedure is intended to resolve matters before any disciplinary steps are invoked in a non-threatening atmosphere. It may be sufficient for the grievant to have an opportunity in the presence of the HR or Line Manager to state that the unwanted conduct or behaviour in question is not welcome and that it should stop immediately.

Should there be no resolution to the grievant satisfaction, formal procedures will be instituted. In addition, should the alleged Harassment be of a serious nature, e.g. physical assault, and then the formal procedure will also be instituted immediately, without informal route.

◆ **Formal**

If the appropriate mediator cannot resolve the dispute, a formal complaint should be submitted in writing to HR Manager, who will investigate the matter expeditiously and decide within three (3) working days whether there is sufficient evidence to hold a disciplinary hearing. Notice to attend the hearing must be given to the accused employee clearly setting out the allegations.

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As per the appropriate Uthukela District disciplinary code and with due regard to schedule 8 of the Labour Relations Act.

7. NON-RESOLUTION OF THE ISSUE

Where a complaint of sexual harassment is not resolved to the satisfaction of either of the parties involved either party may refer the matter to the CCMA for conciliation.

This must be done within thirty (30) days of either party informing the council of their dissatisfaction with the manner in which the Council representative has dealt with the matter.

Should the CCMA fail to resolve the issue either party has the right to refer the matter to the labour court.

8. CONFIDENTIALITY

All investigations, discussions, hearings, etc will be dealt with in as confidential a manner as possible.

An employee found, after investigation and a disciplinary hearing, to have sexually harassed another employee, will be subject to disciplinary sanction up to and including dismissal. Where appropriate the police will be informed.

A non-employee, who subjects any employee or any other person in the workplace to Sexual Harassment, will be excluded from the site and their employer informed. Where appropriate the South African Police Services will be informed.

False accusations could have a serious effect on innocent people and such accusations will be dealt with in terms of the Council's disciplinary procedure.

9. VICTIMISATION

Employees will be protected from intimidation, victimisation or discrimination following the complaint or their assisting in an investigation of harassment. Any action constituting retaliation against an employee for lodging a complaint about harassment will constitute a disciplinary offence and will be treated accordingly.

10. THE MUNICIPALITY'S COMMITMENT

The Municipality is committed to providing a work environment that is harassment free and where individuals are treated with dignity and respect. Individuals, who do not abide by this, will be disciplined appropriately. The Municipality will apply disciplinary action irrespective of seniority or status.