

## Sexual Harassment Policy– HRP005



### General

This policy outlines the basis to create a workplace that is free of sexual harassment, where employers and employees respect one another's integrity and dignity, their privacy and their right to equity in the workplace.

All employees, job applicants and other persons who have dealings with the business, have the right to be treated with dignity.

The company / management will not permit or condone any incidence of sexual harassment.

Allegations of sexual harassment will be dealt with seriously, expeditiously, sensitively and confidentially.

Employees who raise a grievance will be protected against victimisation and retaliation.

All employees will be protected from false accusations.

### Definition

For purposes of this policy sexual harassment is defined as:

“the unwelcome or unwanted attention of a sexual nature that causes discomfort, humiliation, offence or distress, and/or interferes with the job. This includes all such actions and practices of a sexual nature by a person or a group directed at one or more staff members. Sexual harassment may take a verbal or physical form, a written form in any format, or may be by means of pictures, photographs, jokes, innuendoes etc.”

Sexual attention becomes sexual harassment if:

- The behaviour is persisted in, although a single incident of harassment can constitute sexual harassment; and/or
- The recipients of has made it clear that the behaviour is considered offensive; and / or
- The perpetrator should have known that the behaviour is regarded as unacceptable

### Forms of sexual harassment

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

- 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.
- 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 directed toward them, unwelcome and inappropriate enquiries about a person's sex life, and unwelcome whistling directed at a person or a group of persons.
- Non-verbal forms of sexual harassment include unwelcome enquiries about a person's sex life and unwelcome whistling directed at a person or a group of persons.
- Non-verbal forms of sexual harassment include unwelcome gestures, indecent exposure, and the unwelcome display of sexually explicit pictures and objects
- Quid pro quo harassment occurs where an owner, employer, supervisor, members of management or co-employee, undertakes or attempts to influence the process of employment, promotion, training, discipline, dismissal, salary increment or other benefit of an employee or job applicant, in exchange for sexual favours.

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### A Sexual Harassment Free Working Environment

Principles to assist in creating and maintaining a sexual harassment free working environment.

All staff should:

- a. refrain from committing acts of sexual harassment.
- b. contribute to maintaining a work environment where sexual harassment is unacceptable.
- c. discourage unacceptable behaviour on the part of others.
- d. ensure that their own conduct does not cause offence.
- e. bring any instance of sexual harassment to the attention of management.

### Lodging a Grievance

- a. A non-employee who is a victim of sexual harassment may lodge a grievance with the employer of the harasser where the harassment has taken place in the workplace or in the course of the harasser's employment.
- b. Any employee who has been subjected to sexual harassment in the workplace has a right to raise a grievance.
- c. A grievance can be lodge informally or formally.

### Confidentiality

- a. Sexual harassment grievances that are under investigation will be handled in a manner that ensures that the identities of the persons involved are kept confidential.
- b. Management, employees and the parties concerned must endeavour to ensure confidentiality during the enquiry.
- c. Parties concerned or their representatives are entitled to such information as may be reasonably necessary to enable the parties to prepare for any proceedings.

### Investigating Sexual Harassment

During the investigation of sexual harassment claims the following aspects must be seriously considered:

- a. It must be determined whether it is a single incident or numerous (persistent) incidents.
- b. It must be determined if the recipient has made it clear that the behaviour is considered offensive.
- c. All claims must be handled sensitively, efficiently and effectively.
- d. Care should be taken that the aggrieved party is not disadvantaged in any way on account of the grievance.
- e. The position of the accused party should not be prejudiced if the grievance is found to be unwarranted.

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### Disciplinary Action

If sexual harassment has occurred, the employer will take appropriate action.

Disciplinary action will be taken against any employee who does not comply with the policy.

Serious incidents of sexual harassment or continued harassment after warnings are grounds for dismissal.

In incidences of sexual harassment, management will follow disciplinary procedures as per company policy and set out in Schedule 8 of the Labour Relations Act.

Any victimisation or retaliation against an employee who in good faith lodges a grievance of sexual harassment is a disciplinary offence.

### Procedure to follow if you are a victim

- a. Approach a designated person to talk to first and get advice for further action.
- b. As a victim, you can ask for support and advice on a confidential basis before any action is taken.
- c. If required, counselling will be considered.
- d. If possible, first try an informal, direct approach toward the person engaging in the unwanted conduct.
- e. The concerned employee should explain to the person engaging in the unwanted conduct that the behaviour in question is not welcome.
- f. The concerned employee should indicate clearly that he/she feels uncomfortable with the other person's conduct and that it interferes in his/her work.
- g. If the unwanted conduct continues, a more formal procedure should be followed and the incident must be brought to the attention of management in the form of a grievance.
- h. In a severe case of sexual harassment, the employee should bring it to management's attention immediately.
- i. The employee must complete the company's standard grievance form in writing.
- j. The grievance should be lodged with your direct supervisor or manager.
- k. The company's normal grievance procedure is then applicable.
- l. Time frames in the grievance procedure are applicable and the grievance will be dealt with expeditiously.
- m. If the time frames have lapsed and the grievance has not been resolved satisfactorily, the prescribed dispute procedure can then be followed.

### 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 Labour Relations 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).

### Additional Sick Leave

In compliance with the Code of Good Practice on the handling of Sexual Harassment Cases, an employee can apply for additional sick leave if the employee's existing sick leave entitlement has been exhausted.

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Additional sick leave will only be granted for cases of serious sexual harassment where the employee requires trauma counselling on medical advice.

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### Issues of importance:

- i Anonymous complaints will be disregarded.
- ii The rights of both complainants and those against whom a complaint is made, will be protected.
- iii False accusations will be viewed in a serious light.
- iv It is a condition of employment, whether written into the employment contract or not, that all employees without exception and irrespective of position held in the Company, are required to refrain from committing any act or acts of sexual harassment against any other employee, or against an employee or any other person of a client, customer, supplier or any other entity.

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