**SEXUAL HARASSMENT POLICY**

|  |
| --- |
| **DOCUMENT DETAILS** |
| **Document Name:** | Sexual harassment policy | **Document No:** |  |
| **Department Name:** | Human Resources | **Document Type:** | Policy |
| **UPDATE DETAILS** |
| **Last Updated:** |  | **Updated By:** |  |
| **Effective Date:** |  | **Approved By:** |  |
| **Approval Date:** |  | **Approved By:** |  |
| **Revision Date:** |  | **Approved By:** |  |

**PURPOSE:**

The purpose of this policy is to eliminate sexual harassment in the workplace to provide appropriate procedures to deal with the problem and prevent its recurrence. The company encourages and promotes the development and implementation of this policy and procedures that will lead to the creation of 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.

**SCOPE:**

This policy shall apply to all employees, as defined in the Labour Relations Act and as amended and shall include job applicants, suppliers, clients, contractors and all members of management.

**RESPONSIBLE PERSONS:**

1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ - Implementation and facilitation.
2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ - Administration, monitoring and enforcement of this policy.
3. Employees - Adherence to this policy and procedures outlined in this policy.

**POLICY STATEMENT:**

* All employees, job applicants and other persons, who have dealings with the business, have the right to be treated with dignity.
* Persons who have been subjected to sexual harassment in the workplace have a right to raise a grievance about it should it occur and appropriate action will be taken by the employer.
* Employees will be protected against victimisation, retaliation for lodging grievances and from false accusations.
* Sexual Harassment in the workplace will not be permitted or condoned under any circumstances.
* Grievances raised *in re*spect of Sexual harassment will be dealt with timeously, sensitively and confidentially.
* No person who raises a grievance about Sexual harassment will be victimised.
* All managers responsible for dealing with grievances will be appropriately trained to deal with sensitive grievances such as Sexual harassment.
* Handling of sexual harassment cases will be underpinned by consistent, fair and non-discriminatory practises and procedures.
* Any form of Sexual harassment of a fellow employee and/or non-employee will constitute a serious act of misconduct. Therefore any allegations of sexual harassment will be dealt with seriously, expeditiously, sensitively and confidentially.

**PRINCIPLES:**

* Anonymous complaints will be disregarded
* The rights of both complainants and those against whom a complaint is made will be protected.
* False accusations will be viewed in a serious light.
* **LEGISLATIVE FRAMEWORK**
* Employment Equity Act
* Labour Relations Act
* Basic Conditions of Employment Act
* South African Constitution

# Definition

## For the purpose 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 practises 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 recipient 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.

## The forms of sexual harassment include but are not limited to:

### Physical conduct of a sexual nature, which may cover any physical contact, touching, sexual assault, rape, a strip search by or in the presence of the opposite sex, forceful kissing etc.

### Verbal forms of sexual harassment which cover, unwelcome suggestions, sexual advances, comments with sexual overtones, s*ex rel*ated jokes or insults, graphic comments about the person’s body made in their presence or directed towards the person, inappropriate inquiries about a person’s sex life, whistling directed at a person or group of persons, offensive written, telephonic or electronic communication, unwelcome sexual greetings, etc.

### Non verbal forms of sexual harassment which may cover sexual gestures, indecent exposure, the display of sexually explicit pictures, and objects, stalking, etc

### *Quid pro quo* harassment (commonly known as “you scratch my back and I scratch your back”) occurs when any person 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 favours which are intended to or may be detrimental to any person/s on the basis of those grounds listed under point 1.1

### Favoritism exists where a person who is in a position of authority rewards only those who respond to their undue influence, such as sexual advances, whilst other deserving employees who do not submit themselves to any sexual advances are denied promotions, merit ratings and salary increases

# Reporting of Sexual Harassment

## As sexual harassment is a serious grievance, the person with whom the grievance has been lodged must act immediately by informing the HR Manager to assist with the objective handling of the matter.

## The harassed employee need not report the grievance to his/her direct superior, but may report it to any superior with whom they feel comfortable.

## Sexual Harassment grievances must be dealt with by way of the formal grievance procedure detailed in the company HR Manual.

## Due to the sensitive and confidential nature of sexual harassment the HR Manager/or a qualified consultant must meet with the aggrieved employee within 48 hours to gather more information and verify facts, before meeting with the alleged offender.

## Further action steps will then be decided on, which could include a mediation meeting, grievance and/or disciplinary action.

# Disciplinary Action

## 4.1 If found to be the appropriate action after an in-depth investigation, during which sufficient grounds were found, disciplinary action against the alleged offender must be taken in accordance with The company Disciplinary Code and Procedure.

## 4.2 An employee who has victimised or retaliates against an employee who in good faith lodged a sexual harassment grievance will also be subject to disciplinary action.

## 4.3 An employee who lodges false grievances and/or abuses the Grievance Procedure will also be subject to discipline The company considers such grievances to be of a very serious nature

# Criminal and civil charges.

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

**EMPLOYEE POLICY CONFIRMATION:**

***I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (employee name and surname), declare that;***

1. Ihave been familiarised with and informed of the Sexual harassment policy.
2. I understand and agree to the contents of this policy and that;
* it may be amended from time to time,
* it forms part of my employment conditions,
* the implementation and contents of this policy are mutually agreed upon with the employer,
* I have been given the opportunity to question this policy and that my questions were satisfactorily answered
1. I agree to strictly adhere to this policy.

Signed at \_\_\_\_\_\_\_\_\_\_\_\_ (place) on the \_\_\_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [YEAR].

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature Employee

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature Manager