



## SEXUAL HARASSMENT POLICY

### JOHN TAOLO GAETSEWE DISTRICT MUNICIPALITY

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MUNICIPAL MANAGER

  
SPEAKER

Ms P. Q. Mogatle

Speaker.



# JOHN TAOLO GAETSEWE DISTRICT MUNICIPALITY



## SEXUAL HARASSMENT POLICY 2019/2020

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## **1. INTRODUCTION**

The John Taolo Gaetsewe District Municipality is committed to ensuring that employees, clients and suppliers are not subjected to any form of sexual harassment, or intimidation. It is committed to provide a workforce that does not tolerate sexual harassment, but one that is respectful to individual dignity.

The sexual harassment policy has been drafted in order to guide Municipal employees and Management as to what sexual harassment is, and what to do when confronted with such situations.

## **2. DEFINITIONS**

**Sexual harassment** is defined as unwanted conduct of a sexual nature that is persistent even after the perpetrator has been informed that such action is unwelcome.

Sexual harassment has nothing to do with affection, flirtation, romance or relationships, when both parties consent freely thereto. Sexual harassment is about coercion or power.

**Innuendos** - An indirect remark about, a person's body usually with bad, rude or demeaning connotations.

**Strip Search** - It is the stripping or the removal of clothing of a person to check for weapons or any other illegal possessions.

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## **3. SCOPE AND APPLICATION**

This policy is applicable to all employees, job applicants, suppliers and Clients of the John Taolo Gaetsewe District Municipality.

## **4. LEGAL FRAMEWORK**

- 4.1 Employment Equity Act 55 of 1998 (chapter 2: clause 6 {1} ; {3})
- 4.2 The Code of Conduct for Municipal Staff Members (Municipal Systems Act Schedule 2)
- 4.3 The Constitution of the Republic of South Africa of 1996, Chapter 2: clause 9, 10 & 12.

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## 5. POLICY OBJECTIVES

- 5.1 To ensure that sexual harassment is not permitted and not condoned and is regarded as a form of serious misconduct.
- 5.2 To ensure that employees who have been subjected to sexual harassment are aware of the right channels to follow into laying a formal grievance against the perpetrator.
- 5.3 To make sure that this policy protects prospective employees and clients of the municipality.
- 5.4 That all reports of harassment are treated professionally and are investigated thoroughly and confidentially.
- 5.5 Any persons bringing allegations of sexual harassment to the attention of management will be protected against victimization.
- 5.6 To ensure that all employees have a role to play in contributing towards working environment that is free from sexual harassment.

## 6. THE NATURE OF SEXUAL HARASSMENT

- 6.1 Unwanted physical contact ranging from touching to sexual assault and includes a strip search.
- 6.2 Verbal abuse with sexual overtones.
- 6.3 Innuendoes, including remarks about a person's body, suggestions, hints, sexual advances, sex— related jokes, insults, unwelcome graphic and comments about a person's body made in their presence.
- 6.4 Unwelcome and inappropriate enquiries about a person's sex life.
- 6.5 Unwelcome whistling directed at a person or group of people.
- 6.6 Non-verbal forms of sexual harassment include unwelcome gestures, indecent exposure, and the unwelcome display of sexually explicit pictures and objects.
- 6.7 Letters or calls of a sexual nature.
- 6.8 Continued pressure and demand for sexual favours.
- 6.9 **Quid pro quo harassment** — It occurs where management or co — employee, undertakes or attempts to influence the process of employment, promotion, training, discipline, dismissal, salary increment or other benefits of an employee or job applicant, in exchange for sexual favours.

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- 6.10 Unwelcome remarks, jokes, indirect remarks or taunts about a person's body, clothing or sex.
- 6.11 Insulting gestures and practical jokes of a sexual nature which cause awkwardness and embarrassment.
- 6.12 Leering (suggestive steering)

Because of the individual's different perceptions, of sexual harassment i.e. what another person can perceive as sexual harassment may not be the case with another, it will be important for the victim to indicate clearly and immediately that he/she does not approve of such behaviour or comments.

## **7. COMMITMENT BY MANAGEMENT**

- 7.1 Management undertakes to deal with any allegations of sexual harassment speedily and without favour.
- 7.2 Management also undertakes to educate employees on procedures to lodge a grievance, and to lay a formal grievance with the municipality.
- 7.3 Whilst management will act against anyone who commits acts of sexual harassment it will also protect employees against false accusation.
- 7.4 Subject to an investigation, management may suspend an employee on full pay this is to be regarded as a precautionary measure only and does not in any way imply that the employee is guilty of any wrong doing.
- 7.5 Management will ensure that persons such as the public, suppliers, job applicants and others who have dealings with the organization, are not subjected to sexual harassment, which occurs within the workplace.
- 7.6 Non-compliance to any of the stipulations contained in this policy will be regarded as misconduct which will be dealt with accordingly by management.

## **8. IDENTITY**

The identity of the complainant will be withheld as far as possible until the investigation is completed.

## **9. PROCEDURE TO DEAL WITH SEXUAL HARASSMENT ALLEGATIONS.**

- 9.1 There are, two options to resolve a problem relating to the sexual harassment depending on the seriousness of the matter. The two options are the informal

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or a formal procedure. The employee should be under no duress to accept one or the other option.

### **9.1.1 Option 1: Informal Procedure**

- 9.1.1.1 Here, the complainant will approach a person engaging in the unwanted conduct and inform him/her that the behaviour is not welcomed, makes them uncomfortable, and it interferes with their work. The complainant may choose to have a witness in the form of an HR manager or a union member.
- 9.1.1.2 Two sides of the story should be considered whether the procedure is formal or informal.
- 9.1.1.3 If the two meet a consensus, then the informal procedure will be deemed sufficient.
- 9.1.1.4 If the informal approach has not provided a satisfactory outcome, and the conduct continues, it may be more appropriate to embark upon a formal procedure.

### **9.1.2 Option 2: Formal procedures**

Where a formal procedure has been chosen by the aggrieved, a **formal grievance** procedure according to the Main Collective Agreement will be followed.

A copy of a formal grievance procedure is available on the Induction Manual for Employees.

## **9.2 INTERNAL INTERVENTION**

- 9.2.1 Therapy will be provided to a staff member who is a victim of sexual harassment.
- 9.2.2 The supervisor will make necessary arrangements for therapy in conjunction with the relevant employee.
- 9.2.3 Sexual harassment cases will be handled by trained personnel only and to that effect.

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9.2.4 All members involved in sexual harassment cases will be expected to handle those cases in a manner that is objective and impartial.

9.2.5 Information session on sexual harassment will be conducted for staff and union members when the need arises.

### **9.3 INVESTIGATION AND DISCIPLINARY ACTION**

9.3.1 Care should be taken during any investigation of a grievance of sexual harassment that the aggrieved person is not disadvantaged, and that the position of other parties is not prejudiced if the grievance is found to be unwarranted.

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

9.3.3 Sexual harassment is a serious form of misconduct and if found guilty employees may be dismissed, even to a first offence.

9.3.4 A single serious act of sexual harassment can warrant suspension of the perpetrator.

### **9.4 CRIMINAL AND CIVIL CHARGES**

A victim of sexual assault has the right to press separate charges and/or civil charges against an alleged perpetrator, and the legal rights of the victim are in no way limited by this policy, though it is highly recommended that management should be informed of such steps.

### **9.5. CONFIDENTIALITY**

9.5.1 In cases of sexual harassment, management, employees and the parties concerned will endeavour to ensure confidentiality in the disciplinary enquiry.

9.5.2 Only appropriate members of management as well as the aggrieved person, representative, alleged perpetrator, witnesses and interpreter if required, must be present in the disciplinary enquiry.

9.5.3 Disciplinary procedures will be taken against who violated the confidentiality clause.

### **9.6. POLICY REVIEW**

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The policy will be reviewed as and when required.

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