

SEXUAL HARASSMENT POLICY

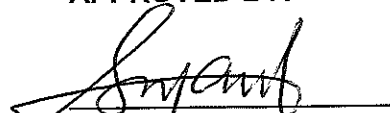


APPROVED BY:



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MUNICIPAL MANAGER
DATE: 23/06/2021

APPROVED BY:



CLEER JANDA
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DATE: 23/06/2021

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1. PURPOSE OF POLICY

- 1.1 The purpose of this policy is to eliminate sexual harassment in the workplace.
- 1.2 To provide appropriate procedures to deal with the problem and prevents its occurrence.
- 1.3 To encourage and promote the development and implementation of procedures that will lead to the creation of a workplace that is free of sexual harassment where employers and their employees respect one another's integrity, privacy and right to equity in the workplace

2. OBJECTIVE OF POLICY

- 2.1 The objective in implementing and enforcing this policy is to define workplace sexual harassment, prohibit it in all forms, carry out appropriate disciplinary measures in the case of violations.
- 2.2 To provide procedures for lodging complaints about conduct that violates this policy and investigating sexual harassment.

3. SCOPE

This policy shall apply to all employees, councillors of the Mbhashe Local Municipality.

4. POLICY DEFINITION

Sexual harassment means; an unwanted conduct of a sexual nature. The unwanted nature of sexual harassment distinguishes it from behaviour that is welcome and mutual.

Sexual attention become sexual harassment if:

- (i) 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
- (ii) The perpetrator should have known that the behaviour is regarded as unacceptable.

(e) 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.

7.2 GUIDING PRINCIPLES

(i) Managers should create and maintain a working environment in which the dignity of employees is respected.

(ii) A climate in the workplace should also be created and maintained in which victims of sexual harassment will not feel that their grievances are ignored or trivialised, or fear reprisals.

(iii) The following guidelines are to be complied with councillors / management and employees are required to refrain from committing acts of sexual harassment

(iv) All councillors / management and employees have a role to play in creating and maintaining a working environment in which sexual harassment is unacceptable. They should ensure that their conduct does not cause offence and they should discourage unacceptable behaviour on the part of others.

(v) Councillors / management should attempt to ensure that persons such as customers, suppliers, job applicants and others who have dealings with the municipality are not subjected to sexual harassment by the Council or its employees.

(vi) Managers are required to take appropriate action in accordance with this policy when instances of sexual harassment which occur within the workplace are brought to their attention.

(v) Management has the positive duty to implement the policy and take disciplinary action against employees who do not comply with the policy.

The Council emphasises that:

(a) Allegations of sexual harassment will be dealt with seriously, expeditiously, sensitively and confidentially employees will be protected against victimisation, retaliation for lodging grievances and from false accusations.

7.3 PROCEDURES

7.3.1 Advice and assistance

(i) Sexual harassment is a sensitive issue and a victim may feel unable to approach the perpetrator, lodge a formal grievance or turn to colleagues for support.

(ii) Victims may approach the Municipal Manager, Corporate Services Senior Manager, Senior Manager of that employee's Department, a trade union representative or co-employee for confidential advice:

(iii) These persons should have the appropriate skills and experience or be properly trained and give adequate resources.

(iv) They should also be required to have counselling and relevant labour relations skills and be able to provide support and advice on a confidential basis

7.3.2 Options in resolving a problem:

(i) Employees are advised that there are two options in resolving a problem relating to sexual harassment, either an attempt can be made to resolve the problem in an informal way or a formal procedure can be embarked upon.

(ii) The employee should be under no duress to accept one or the other option.

7.3.3 Informal Procedure

(i) It may be sufficient for the employee concerned to have 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.

(ii) 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.

(iii) Severe cases may include sexual assault, rape, a strip search and quid pro quo harassment

7.3.4 Formal Procedure

Where a formal procedure has been chosen by the aggrieved, the following procedure is to be followed:

- (i) The employee should lodge a grievance with the Corporate Services Senior Manager within 10 days of occurrence of the event
- (ii) The grievance must be dealt with, as expeditiously as possible, within the framework of the applicable grievance / disciplinary policy should

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the case not be resolved satisfactorily, the parties may refer this matter to the Bargaining Council for Local Government.

7.3.5 Investigation and disciplinary action

- (i) Care should be taken during any investigation of the 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.
- (ii) The Code of Good Practice regulating dismissal contained in Schedule 8 of the Labour Relations Act, 1995 (Act 66 of 1995) ("the Act"), reinforces the provisions of chapter 8 of the Act and provides that an employee may be dismissed for serious misconduct or repeated offences. Serious incidents of sexual harassment or continued harassment after warnings are dismissible offences.
- (iii) In cases of persistent harassment or single incidents of serious misconduct, Senior Manager: Corporate Services must follow the procedures set out in the Code of Good Practice contained in Schedule 8 to the Act.
- (iv) It is also made clear that it will be a disciplinary offence to victimise or retaliate against an employee who in good faith lodges a grievance of sexual harassment.

7.3.6 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 this Code.

8 PROCEDURES FOR IMPLEMENTING POLICY

The Municipality will monitor progress on implementation of this policy and apply remedial actions in line with the outlined processes.

9 POLICY GOVERNANCE


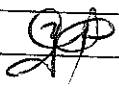

SEXUAL POLICY

Policy Governance

Policy Title	SEXUAL HARASSMENT
Policy Version	

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2021/2022

<u>Role & Process</u>	<u>Responsible Individual Name and/or Date</u>	<u>Responsibility Accepted Signature</u>
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LLF Consultation Date		
LLF Consultation Reference		
Council Approval Date	26/05/2021	
Council Approval Reference		
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Policy Approved		
Policy Inception Date		
Review Start Date		
Review Completion Date		
Legislative References		
Policy Review "Triggers"		
Comments		

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2021/2022