



'SEXUAL HARASSMENT' POLICY

PREPARED FOR

CEDERBERG MUNICIPALITY

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1. INTRODUCTION

Cederberg Municipality is committed to ensuring that employees are not subjected to any form of sexual harassment. Persistent, unsolicited and unwanted sexual advances or suggestions made by one employee to another, regardless of gender and / or sexual orientation will not be tolerated. Violations of this policy will lead to disciplinary action, which will include dismissal, and / or criminal charges. All managers and the Employer have a responsibility for addressing all reports of harassment.

In dealing with cases of sexual harassment, Cederberg Municipality shall be guided by the Code of Good Practice as contained in Schedule 8 of the Labour Relations Act, 1995 and the NEDLAC Code of Good Practice on the Handling of Sexual Harassment Cases.

2. DEFINITION

Sexual harassment may include:

- ⊗ unwelcome remarks, jokes, innuendoes or taunts about a persons body, clothing or sex
- ⊗ insulting gestures and practical jokes of a sexual nature which causes awkwardness or embarrassment displaying pornographic, pin-up picture, graffiti or other offensive material
- ⊗ viewing of pornographic pictures on internet, emails or computers
- ⊗ leering (suggestive staring)
- ⊗ refusing to talk to or work with an employee 'because of his or her sex demands for sexual favours

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. Employment threats or benefits may be expressed or implied and they are usually conditional upon the receiver of the threat or benefits submitting to the advance. The threat may relate to a loss of employment unless advances are submitted to.

The Employer will make every reasonable effort to ensure that no employee is subjected to sexual harassment. In the event that sexual harassment is alleged, the disciplinary procedure must be applied.

3. PRINCIPALS

The Employer wishes to create and maintain a working environment which is free of sexual harassment, where all employees respect one another's integrity and dignity, privacy and their right to equity in the workplace. The Employer views sexual harassment of a fellow employee or of a non-employee as serious misconduct. The Employer undertakes to take strict action in sexual harassment cases but cannot be held criminally or civilly liable for the actions of its employees where the Employer has acted appropriately.

In addition, victims of sexual harassment must not be made to feel that their grievances are ignored or trivialized, or fear reprisals. Implementation of the following guidelines can assist in achieving these ends:

- All employees are required to refrain from committing acts of sexual harassment
- All employees have a role to play in contributing towards a working environment in which sexual harassment is unacceptable. They should therefore ensure that their standards of conduct do not cause offence and they should discourage unacceptable behavior on the part of others.
- Management will attempt to ensure that persons such as the public, suppliers, job applicants and others who have dealings with the organisation, are not subjected to sexual harassment by the employer or its employees.
- Management is 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.
- A victim of sexual assault/harassment has the right to institute separate criminal and/or civil proceedings against an alleged perpetrator, and the legal rights of the victim are in no way limited by this policy.

4. POLICY

It is thus the policy of the Employer that:

- All employees, job applicants and other persons, who have dealings with the organisation, have the right to be treated with dignity.
- Sexual harassment in the workplace will not be permitted or condoned.
- Persons who have been or are being 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 management. Management should, in the first instance, make use of the "open talk" procedure to deal with sexual harassment matters. If circumstances demand it, more serious action can be taken against transgressors.
- Management is required to implement this policy and take disciplinary action against employees who do not comply with this policy. Serious incidents of sexual harassment or continued harassment after warnings are dismissable offences.
- Allegations of sexual harassment will be dealt with seriously, expeditiously, sensitively and confidentially.
- It is a disciplinary offence to victimise or retaliate against an employee who in good faith lodges a complaint of sexual harassment.
- False or vindictive accusations shall be viewed in a very serious light.
- Anonymous complaints will be disregarded.

5. SPECIFIC CONSIDERATIONS

- **Confidentiality**
The Employer will endeavor to proceed with its investigation with caution and such protocol as to ensure that a case exists before proceeding: Because of the sensitivity and the nature of the issue employee confidentiality and protection must be ensured.
- **Identity**
The Employer will withhold the identity of the complainant until such time, as the investigation has been completed and it has been decided to pursue the enquiry route.

Protection / Assistance

The Employer will investigate every complaint, whether reported or not, as the Employer could be found liable where steps have not been taken to resolve a case of sexual harassment. Sexually harassed employees should be given adequate sick leave and / or assistance for counseling where appropriate.