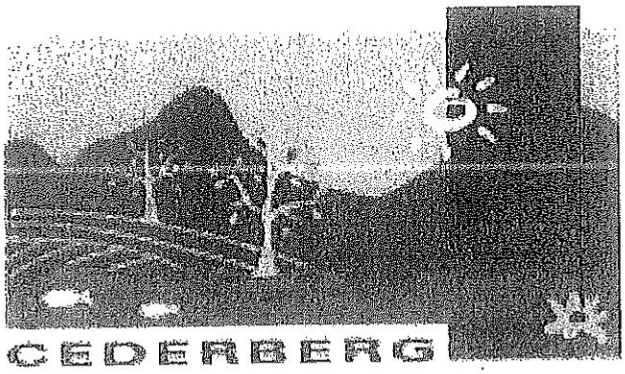


SEXUAL HARASSMENT POLICY

CEDERBERG MUNICIPALITY

2013

CEDERBERG MUNICIPALITY
2A – VOORTREKKER – CLANWILLIAM - 8135

Preamble

The Cederberg Municipal Council is committed to the elimination of any form of harassment. This includes any acts or threats that interfere with the performance at work of any individual or group on account of race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, political opinion, culture, language or birth.

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1. INTRODUCTION

Policy and procedures for resolving complaints of sexual harassment have been adopted by the Cederberg Municipal Council to:

a. Promote a safe and secure work environment in which the dignity of all persons is respected and which is free from sexual harassment;

b. Provide an internal procedure for dealing with issues and complaints of sexual harassment which may arise;

c. Meet the requirements the Employment Equity Act, Labour Relations Act and the 2005 Code of Good Practice on the Handling of Sexual Harassment Cases; and

d. Comply with the Equal Opportunity and Employment Equity Policy and the Employment Equity plans of the employer.

2. POLICY STATEMENT

a. Sexual harassment in the working environment is a form of unfair discrimination and is prohibited on the grounds of sex and/or gender and/or sexual orientation.

b. The Cederberg Municipal Council is committed to maintaining an environment within the workplace that is free from sexual harassment. Although this policy applies to the working environment it is also intended to regulate the conduct of all owners, employers, managers, supervisors, employees in respect of third parties that may include job applicants, clients, suppliers, contractors and others having dealings with the employer's business.

c. Sexual harassment is unacceptable behaviour. It conflicts with the employer's Equal Opportunity and Employment Equity Policy and denies respect for the rights of employees to fair treatment. Sexual harassment is a serious issue, which undermines morale and can adversely affect the ability of employees to achieve their full potential within the workplace.

d. The Cederberg Municipal Council is committed to taking action to deter sexual harassment, to increase awareness that such behaviour is unacceptable and to ensure that complaints are dealt with fairly and promptly.

3. **DEFINITION** Sexual harassment covers a range of behaviours, which constitute unwelcome conduct of a sexual nature that violates the rights of an employee and constitutes a barrier to equity in the workplace, taking into account all of the following factors:

3.1 Whether the harassment is on the prohibited grounds of sex and/or gender and/or sexual orientation;

3.2 Whether the sexual conduct was unwelcome;

3.3 The nature and extent of the sexual conduct; and

3.4 The impact of the sexual conduct on the employee.

Sexual attention becomes sexual harassment if:

3.5 The behaviour is persisted in, although a single incident of harassment can constitute sexual harassment;

3.6 The recipient has made it clear that the behaviour is considered offensive; and

3.7 The perpetrator should have known that the behaviour is regarded as unacceptable.

3.8 It is not the intention of the alleged harasser that is the issue, but rather the complainant's perception and experience of the alleged harasser's behaviour. Examples of sexual harassment include, but are not limited to:

a. Unwelcome verbal comments of a sexual nature;

b. Unwanted and deliberate physical contact;

c. Gratuitous display of sexually explicit written or audio-visual materials, transmission or display of offensive e-mail, screen savers or pornographic computer images;

d. Offensive gestures or actions of a sexual nature including indecent exposure or "flashing";

e. Persistent unwanted attention: following or stalking behaviour;

f. Subtle or explicit demands for, or offers of, sexual favours; and

g. Verbal sexual harassment such as unwelcome innuendos, suggestions and hints; comments with sexual overtones; sex-related jokes or insults or unwelcome graphic comments about a persons' body made in his/her presence or directed to him/her; unwelcome and inappropriate enquiries about a person's sex life; and unwelcome whistling directed at a person or group of persons.

h. Sexual favouritism exists where a person who is in a position of authority favours only those who respond to his/her sexual advances;

i. whilst other deserving employees who do not respond to sexual advances are disadvantaged or denied opportunities for example in relation to promotion, nominations for merit awards, training opportunities and job grading.

j. Some forms of sexual conduct, which are considered innocuous by some people, may be considered offensive by others. It may, however, be difficult for the offended person to convey her or his displeasure, especially if the person giving offence is in a position of authority. In particular, the employer has concerns where sexual harassment:

   i. Implicitly or explicitly imposes a condition on staff recruitment, selection, appraisal or career progress;

   ii. Interferes with work performance; and

   iii. Creates an intimidating or offensive working environment.

4. Responsibilities of Employers, Supervisors and Managers

All employees have a responsibility to uphold the employer's policy on sexual harassment, but the employer, managers and supervisors have a particular responsibility to ensure their areas are free from sexual harassment. This includes:

a. Refraining from committing acts of sexual harassment;

b. Ensuring that their standards of conduct do not cause offence and they should discourage unacceptable behaviour on the part of others;

c. Ensuring that persons such as customers, suppliers, job applicants and others who have dealings with the business are not subjected to sexual harassment by the employer or its employees;

d. Ensuring that employees are aware of appropriate and acceptable standards of behaviour;

e. Making known the employer's policy, including the procedures for resolving complaints;

f. Promoting awareness programmes designed to prevent sexual harassment in the workplace; and

g. Taking appropriate action in accordance with this code where instances of sexual harassment occur in the working environment.

5. PROCEDURES FOR RESOLVING COMPLAINTS

5.1 Procedures

The employer has instituted a set of procedures, which aim to ensure that: