



LIMPOPO

PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

PROVINCIAL TREASURY

SEXUAL HARASSMENT POLICY

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ACRONYMS

The following acronyms are used in this Policy:

HoD	-	Head of the Department
LPT	-	Limpopo Provincial Treasury
MEC	-	Member of Executive Council
MPL	-	Member of Executive Council
PSCBC	-	Public Service Co-ordinating Bargaining Council

1 INTRODUCTION

- (a) The Department of Provincial Treasury recognizes the need to create working conditions free of any form of sexual harassment. Through this policy the Department commits itself to have a conducive environment free of sexual harassment activities.

2 PURPOSE AND OBJECTIVES OF THE POLICY

- (a) To create a working environment within the department free of sexual harassment, in which employer and employees respect one another's integrity, dignity, privacy, and rights to equality in the workplace.
- (b) To deal with sexual harassment cases in very sensitive, prompt, unbiased and confidential manner.
- (c) To ensure that both the victim or aggrieved party and the alleged harasser are not victimized in any way by either management or co-workers.
- (d) To prevent employees, including job applicants, casuals and part-time, employees from being requested or compelled to engage in sexual activity in return for employment, job retention, salary increase, promotion, or service benefit.
- (e) To ensure that all employees in the department possess knowledge regarding sexual harassment and related behavior.
- (f) To assist employees to avert and correct conduct that may amount to sexual harassment.

3 AUTHORITY OF THE POLICY

- (a) This policy is issued under the authority of the MEC as the Executive authority and the HOD as the Accounting Offices for Limpopo Provincial Treasury.

4 SCOPE OF APPLICATION

- (a) This policy, except where otherwise indicated, is applicable to all employees and structures related to Limpopo Provincial Treasury, as a department

5 LEGISLATIVE FRAMEWORK

- (a) This policy is guided by the following legal prescripts:

No	LEGISLATION
1	The Constitution of Republic of South Africa, 1996 (Act no 108 of 1996).
2	PSCBC Resolution no 2 of 2003 (As amended).
3	White Paper on Transformation of Public Service.(15 th November 1995)
4	Employment Equity Act, 1998 (Act No. 55 of 1998);
5	Labour Relations Act, 1995 (act no. 66 of 1995)
6	Basic Condition of Employment Act, 1997 (Act no. 75 of 1997).
7	Chapter 2 of the Bill of Rights
8	Code of Good Practice on the Handling of Sexual harassment
9	Limpopo Development plan.

6 DEFINITIONS

- (a) Notice of Code of Good Practice no 1367 of 1998 defines sexual harassment as unwanted conduct of a sexual nature. Such conduct becomes harassment when:

- (i) Sexually charged behavior persists on an ongoing basis
- (ii) The victim of such acts makes it clear that such behaviour is inappropriate and the perpetrator persists

- (iii) The perpetrator is aware that his/her behaviour is unacceptable but continues to behave in such a manner

7 POLICY PRINCIPLES

(a) Limpopo Provincial Treasury wishes to create and maintain a working environment in which the dignity of employees is respected. 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. Implementing the following guidelines can assist in achieving these ends:

- (i) Management and employees are required to refrain from committing acts of sexual harassment.
- (ii) Management and employees have a role to play in contributing towards creating and maintaining a working environment in which sexual harassment is unacceptable. They should ensure that their standards of conduct do not cause offence and they should discourage unacceptable behaviour on the part of others.
- (iii) Management should attempt to ensure that persons such as customers, suppliers, job applicants and others, who are clients of the department, are not subjected to sexual harassment by the management or its employees.
- (iv) Management 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.

(b) This policy recognises the primacy of collective agreements regulating the handling of sexual harassment cases, and is not intended as a substitute for disciplinary codes

8 ROLES, RESPONSIBILITIES AND POWERS

8.1 MEC

- (a) The MEC shall approve the policy.

8.2 HOD

- (a) The HOD shall:
 - (i) Appoint a designated senior manager to ensure the implementation of the policy.
 - (ii) Ensures that systems are in place for reporting sexual harassment in the workplace
 - (iii) Once the allegations of sexual harassment are brought to the attention of the Department, the Head of the Department or his or her delegate shall appoint an investigating officer within ten (10) working days to investigate the allegations.

8.3 *The Designated Senior Manager*

- (a) The Designated Senior Manager shall:
 - (i) Coordinate the provisions of sexual harassment awareness campaigns

8.4 *The Victim of Sexual Harassment*

- (a) The victim of sexual harassment shall report the alleged sexual harassment incident to the Head of Department

9 POLICY PROVISIONS

9.1 *POLICY AIM*

- (a) To create a working environment within the department free of sexual harassment, in which employer and employees respect one another's integrity, dignity, privacy, and rights to equality in the workplace.

9.2 POLICY MEASURES

- (a) HoD should create and maintain a working environment in which the dignity of employees is respected.
- (b) 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.
- (c) Empower employees to identify forms/types of sexual harassment in the workplace
- (d) All alleged cases of sexual harassment should be handled with confidentiality

10 DEVIATION/DEFAULT

- (a) Any policy, procedure, or guideline that does not follow the procedures and processes outlined in this policy will not be approved by the relevant authority.
- (b) Any employee who contravenes the provisions of this policy which may lead to violations of the Public Service Code of Conduct or any rules or policies, that employee shall be charged with misconduct and the necessary disciplinary measures will be taken against him or her.

11 COMMENCEMENT DATE

- (a) The commencement date of this policy will be on the date of its approval.

12 TERMINATION AND REVIEW CONDITIONS

- (a) This policy will be reviewed by the Limpopo Provincial Treasury after two years or when necessary. The amendments resulting from the review will be processed

in line with the Departmental Policy Development Framework. However, where it is deemed not necessary to review the policy, evidence of the process leading to such decision should be provided.

- (b) This policy will remain in force until and unless it has been withdrawn or amended by Executive Authority.

13 ENQUIRIES


- (a) Enquiries regarding this policy should, in the first instance, be directed to the Transformation Services directorate.

14 RECOMMENDATION AND APPROVAL

Recommended for approval by:




GC Pratt
HEAD OF DEPARTMENT

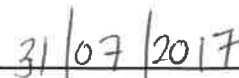


Date

APPROVED BY:



RWN Tooley (MPL)
MEMBER OF THE EXECUTIVE COUNCIL



Date