



LIMPOPO

PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

PROVINCIAL TREASURY

LIMPOPO PROVINCIAL TREASURY

DEPARTMENTAL SEXUAL HARASSMENT

POLICY

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1. PREAMBLE

Limpopo Provincial Treasury (Department) recognizes the need to create a working environment 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. APPLICABLE LEGAL FRAMEWORK

- 2.1. Constitution of Republic of South Africa, 1996 (Act No. 108 of 1996).
- 2.2. PSCBC Resolution 2 of 1999 (As amended).
- 2.3. Basic Condition of Employment Act, 1997 (Act No. 75 of 1997).
- 2.4. Provincial Growth and Development Strategy.

3. OBJECTIVES

- 3.1. To create a working environment, which of sexual harassment, in which the employer and employees respect one another's integrity, dignity, privacy, and rights to equality in the workplace.
- 3.2. To deal with sexual harassment cases in a very sensitive, prompt, unbiased and confidential manner.
- 3.3. 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.
- 3.4. To prevent employees requested or compelled to engage in sexual activity in return for employment, job retention, salary increase, promotion, or service benefit.
- 3.5. To ensure that all employees in the Department possess knowledge regarding sexual harassment and related behavior.
- 3.6. To assist employees to avert and have a redress in respect of conduct that may amount to sexual harassment.

4. SCOPE OF APPLICATION

- 4.1 This policy is applicable to employees of the Department.
- 4.2. The policy will be applicable to service providers of goods and services to the Department or any other person who is having dealings with the Department.

5. FORMS OF SEXUAL HARASSMENT

Sexual harassment can take various forms ranging from subtle attention to the worst forms of violence, such as rape. Examples of sexual harassment are as follows:-

5.1 QUID PRO QUO

This intentional act of harassment is an abuse of authority by employer, supervisor or any member of management who has the power to employ or dismiss or change the working condition of an employee. This can be done by suggestion of sex in return for a job, salary increment, application or threatened application of unfair disciplinary measures. This form amounts to sexual favouritism.

5.2. PHYSICAL FORMS

Physical conduct of sexual nature includes all unwanted physical contacts, ranging from touching to sexual assault or rape, and includes but not limited to fondling breasts, pinching of buttocks, sexual patting, strip search by or in the presence of the opposite sex and stripping. This form also relates to people of the same sex and also refers to instances where unconventional sexual orientations are maintained.

5.3. VERBAL FORMS

These forms of sexual harassment include unwelcome innuendoes, suggestions, hints, sexual advances, comments with sexual overtones, sex related jokes,

insult, enquiries about a person's sex life, or whistling directed at individual or group of individuals.

5.4. NON VERBAL FORMS

Those forms include unwelcome gesture, indecent exposure, and display of sexual explicit pictures and objects, leering and winking.

5.5. STALK

This is the behavior that includes harassment or persecution with unwanted and obsessive attention.

6. PROCEDURES REGARDING SEXUAL HARASSMENT CASES

6.1. THE INFORMAL PROCEDURE

The informal procedure may be used for subtle forms of sexual harassment. This is dependent on the intention of the victim or the aggrieved party. The procedure may be applicable and used in some of the following circumstances;

- 6.1.1. Where possible, the aggrieved may wish to resolve the complaint informally without reference to formal procedure by approaching the alleged harasser, by writing a letter to the alleged harasser and or by asking a member of management or another representative, such as shop steward, to mediate in order to resolve the matter amicably.
- 6.1.2. Should informal mediation as referred to in paragraph 7.1.1, be followed in resolving the matter, no disciplinary action shall be taken against the perpetrator.
- 6.1.3. The aggrieved party and the harasser shall be referred to the Employee Assistance Programme (EAP) unit for counseling.
- 6.1.4. The outcome of mediation process must be placed in the harasser's personal files for a period of six months and hereafter the document shall be destroyed.

6.2 THE FORMAL PROCEDURE

Where the matter remains unresolved through the informal procedures or the aggrieved party does not intend to follow such procedure, a request for formal disciplinary shall be made to the Head of Department to institute the formal procedure.

6.2.1 INVESTIGATION

- a) Once the allegations of sexual harassment are brought to the attention of the Department, the Head of the Department or his or her delegated shall appoint an investigations officer within ten (10) working days to investigate the allegations.
- b) An investigation officer shall:-
 - be appointed from outside both the victim and perpetrator workplace.
 - be required to have relevant labour relations skills.
 - ensure confidentiality.
 - make recommendations on the course to be taken.

6.2.2. PRECAUTIONARY SUSPENSION

- (a) The employer may suspend an employee on full pay or transfer the employee, if the employee is alleged to have committed a serious offence and the employer believe that the presence of an employee at the workplace might jeopardize the investigation, or endanger the well being or safety of the complainant.
- (b) A suspension of this kind is a precautionary measure that does not constitute a judgment, and must be with full pay.
- (c) The employer must then hold a disciplinary hearing within 30 days.

7. DISPUTE RESOLUTION

The employee retains the right to utilize dispute-settlement mechanisms, which are provided under the Labour Relations Act, 1995 and PSCBC Resolution 2 of 1999, as amended.

8. DELEGATIONS

Supervisors are the custodians of this policy and must ensure adherence and compliance thereto. Failure by a supervisor to enforce this policy amounts to an act of misconducts.

9. POLICY CONTROL

9.1 POLICY AUDIT

Policy audits will be conducted by the Directorate: Transformation Services, when deemed necessary, to ensure appropriate application and compliance with the policy.

9.2. POLICY REVIEW

This policy is subject to annual review or when deemed necessary by the Department, to ensure that it is aligned to prevailing legislation and market related conditions.

9.3. POLICY AMENDMENTS

No amendment(s) may be made to any section of this policy without such amendment(s) first being:-

9.3.1 negotiated with recognized Employee Organization; and.

9.3.2 duly approved and signed by the recognized parties to the Provincial Bargaining Council.

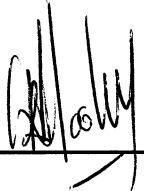
10. **EFFECTIVE DATE**

This policy will be effective from the 22 day of JUNE 2007.

11. **RATIFICATION**

Signed at POLOKWANE on this 22 day of JUNE 2007.

HEAD OF DEPARTMENT:



MEMBER OF EXECUTIVE COUNCIL:

