

CHEMICAL INDUSTRIES EDUCATION AND TRAINING AUTHORITY (CHIETA)

Gender Based Violence Policy

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1. PURPOSE

To prevent and respond to cases of gender-based violence in any form, whether in the workplace or in employees' personal lives.

2. OBJECTIVE

Domestic violence, sexual assault, and stalking are all examples of gender-based violence that endangers the lives and safety of millions of people around the world. It can range from insulting or threatening language to homicide, and it frequently results in serious injuries, disability, or death.

Gender-based violence violates the victims' human rights regardless of where it occurs. When it happens at work, it jeopardizes the safety of both the victim and the victim's co-workers, and it can result in lost productivity, increased health care costs, and increased employee turnover.

3. DEFINITIONS

Abuser means a person who perpetrates Gender-based Violence.

Domestic Violence can be committed between people regardless of race, sex, gender identity, sexual orientation, economic status, educational level or religious belief, whether they are living together or separately, are married or unmarried, or in short-term or long-term relationships. It includes, but is not limited to, physical, sexual and psychological violence occurring among Family Members or between Intimate Partners, including battering, sexual or physical abuse of children, dowry-related violence, marital rape, female genital mutilation and other practices harmful to women, economic coercion, violence related to exploitation, or other forms of physical, sexual, psychological or economic abuse.

Employees applies to individuals employed on a permanent or temporary basis, paid or unpaid, all personnel of the Chemical Industries Education and Training Authority, members of various Committees, including but not limited to, volunteers, contractors and learners funded by the Organisation.

Family Members includes, but is not limited to, members of the Victim's extended family, by blood or marriage, including the Victim's parents, children, dependents, aunts, uncles, cousins, parents-in-law, siblings, spouses and children, and other members of a shared household.

Gender-based Violence means:

- I. Physical, psychological, mental, economic, or sexual harm or suffering, coercion and other deprivations of liberty (including incidents of Domestic Violence, sexual violence, dating violence, and stalking, but not

including acts of self-defence) that are directed against a person based on gender and committed, attempted or threatened

- a. by or against Employees, and/or
- b. against Employees' families or property; and

II. Physical, sexual, and psychological violence occurring within the general community, including rape, sexual abuse, stalking, trafficking in women, forced prostitution, and sexual harassment or intimidation at work, educational institutions and elsewhere.

Intimate Partners mean: *The definition of Intimate Partners includes same sex couples.*

- (i) persons legally married to one another; or
- (ii) persons formerly married to one another; or
- (iii) persons who have a child in common, regardless of whether such persons are married or have lived together at any time; or
- (iv) couples who live together or have lived together; or
- (v) persons who are dating or who have dated in the past.

CHIETA is the Chemical Industries Education and Training Authority.

Protection Order means an order of protection, restraining order or other court order in response to Gender-based Violence, which serves as a mechanism through which a Victim can petition a national or other appropriate court or tribunal for protection from an Abuser, to establish custody and visitation guidelines for a child or children, or to establish forms of economic security (such as rent or mortgage payments). Protection Orders may also be issued in criminal cases as a condition of probation or release, particularly in a crime involving Domestic Violence, sexual violence, dating violence or stalking.

Safety Planning means the process through which a representative of the CHIETA works with a Victim to facilitate development of a safety and support plan (**Safety Plan**) designed to reduce the risk of Gender-based Violence to the Victim and ensure the safety of the Victim's co-workers.

Victim means an Employee against whom an Abuser directs Gender-based Violence.

4. SCOPE OF APPLICATION

The Policy shall apply to all Employees.

5. NON-DISCRIMINATORY AND RESPONSIVE POLICIES TO ASSIST VICTIMS OF GENDER-BASED VIOLENCE

5.1 Non-discrimination and Non-retaliation

CHIETA shall not discriminate in recruitment and selection or other terms and conditions of employment against any person:

- I. for disclosing his or her status as a victim of Gender-based Violence,
- II. because such person is perceived as a victim of Gender-based Violence, or
- III. because such person has submitted a complaint or disclosed concerns about Gender-based Violence to the Organization.

CHIETA will not retaliate or take punitive employment actions against any Employee for filing a complaint in accordance with this Policy, disclosing his or her status as a Victim, or engaging in acts of Gender-based Violence against such Employee that occur in or have an impact on the workplace.

This Section does not preclude the Organization from taking disciplinary action against an Employee who:

- I. commits Gender-based Violence (whether within or outside the workplace), or
- II. has performance-related concerns, as specified in Section 5.5 below.

5.2 Safety Planning

CHIETA will make every reasonable effort to work with a Victim to create a Safety Plan. The Safety Plan should recognize and encourage workplace modifications that reduce the risk of harm while also increasing security measures. Making the Abuser's identity known to security personnel, changing locks, modifying work schedules, changing workplace locations, arranging telecommuting options, or other measures tailored to an individual's circumstances that are designed to increase safety are examples of such security measures. CHIETA may also convene a multi-disciplinary task force comprised of representatives from relevant Business Units within the Organization, including Human Resources, to prepare for an emergency response.

To the extent feasible and applicable, CHIETA will make reasonable efforts to assist the Victim in enforcing his or her Protection Order within the workplace. CHIETA will defer, whenever reasonably possible, to the Victim's judgment about steps that pose a safety risk to the Victim and the Victim's workplace, as well as those that increase safety and support for the Victim and the workplace, when assessing safety risks associated with Gender-based Violence.

5.3 Leave and Other Workplace Policies

CHIETA understands that employees may require time off to obtain medical assistance, legal assistance, counselling, or to attend to other matters related to Gender-based Violence for themselves or a family member, such as court proceedings, relocation, or safety planning. Employees who are experiencing or have experienced Gender-Based Violence, or who are assisting a Family Member who has experienced Gender-Based Violence, may be granted time off in accordance with the CHIETA Conditions of Service Policy (re Leave).

5.4 Resources

To the best of its ability, CHIETA will refer Victims for counselling and/or assistance through the Employee Wellness Program.

5.5 Work Performance

CHIETA understands that victims may have temporary difficulties fulfilling job responsibilities. If CHIETA becomes aware that Gender-based Violence has had a negative impact on an Employee's work performance or conduct, CHIETA will offer support to the Victim and work with the Victim to address the issues, which may include the development of a Safety Plan.

In evaluating performance issues that may arise as a result of the Victim's experience with Gender-based Violence, CHIETA will make all reasonable efforts to consider all aspects of the Victim's situation. If reasonable efforts to resolve the Victim's performance-related issues fail, CHIETA may take the disciplinary action outlined in the Disciplinary Policy (re: Incapacity).

5.6 Protection Orders

CHIETA acknowledges that a Victim may seek and/or be granted a Protection Order as part of his or her efforts to find safety, and that this Protection Order may form part of his or her Safety Plan. CHIETA recognizes that the workplace may or may not be listed on a Protection Order as a location that the Abuser is not permitted to enter. If a Victim chooses to disclose the existence of such a Protection Order to CHIETA, CHIETA may assist the Victim in enforcing his or her Protection Order to the greatest extent possible.

In accordance with Section 5.7 below, CHIETA shall keep a confidential copy of the Protection Order separate from the Victim's personnel file. If applicable, CHIETA may assist the Victim in obtaining documentation from the workplace, such as e-mails or voice messages, to support the Victim's efforts in a justice system or otherwise in obtaining or maintaining safety.

5.7 Confidentiality

Information about an employee who is a victim should be kept private to the extent permitted by law and CHIETA policy. Such information should be kept in a separate, confidential file from the Employee's personnel file. This information should not be disclosed without the Victim's consent unless the CHIETA reasonably determines that maintaining the Victim's confidentiality puts the Victim or other Employees in danger of physical harm, is required by law, is deemed necessary to enforce a Protection Order or a Safety Plan, or is required for CHIETA administration. The information should only be released to other individuals or Business Units on a need-to-know basis, to the extent reasonably necessary to protect the Victim's or others' safety, and with advance notice given to the Victim whenever possible.

6. ACCOUNTABILITY FOR EMPLOYEES CONCERNED ABOUT VIOLENCE AND EMPLOYEES WHO ARE OFFENDERS

6.1 Employee Alert of Potential Acts of Gender-based Violence

Employees who suspect or witness acts of Gender-based Violence in the workplace, or who suspect or witness Gender-Based Violence being perpetrated either against an Employee or by an Employee, should first talk to the perceived victim, express concern, and ask what they can do to help; they should notify the perceived victim that they will disclose the concern to a supervisor; and they should report the concern to an appropriate supervisor.

6.2 Non-retaliation for Reporting Gender-based Violence

CHIETA will not retaliate against, terminate, or discipline any Employee who reports in good faith concerns about workplace-related incidents of Gender-based Violence in accordance with this Policy, including allegations that the act was committed by a fellow Employee or a person in a management capacity.

Acts of retaliation that are prohibited include, but are not limited to, demotion or withholding of earned pay, as well as acts of personal retaliation. Employees who believe they have been subjected to adverse action as a result of making a report in accordance with this Policy should contact the designated authority within CHIETA. Any allegations of policy violations will be promptly investigated by the designated authority.

6.3 Prohibited Use of Workplace Resources

Employees are not permitted to use work time, phones, e-mail, computers, fax machines, or other workplace resources to threaten, harass, intimidate, embarrass, or otherwise harm another person. An Employee is considered to be at work when he or she is in or using CHIETA resources, which include but are not limited to facilities, work sites, equipment, or vehicles, or when on work-related travel.

6.4 Disclosure of Final Court Orders and Gender-based Violence

An Employee who is subject to a final court order or who has been convicted in a criminal or civil action as a result of a threat or act of Gender-based Violence must notify his or her supervisor or another appropriate person within the CHIETA of the existence of the final court order.

In these circumstances, failure to disclose the existence of such a final court order may result in disciplinary action, up to and including termination and or dismissal. If a supervisor becomes aware (via Employee self-disclosure, third-party reports, or any other means) that an Employee may have committed an act of Gender-based Violence, the supervisor shall conduct appropriate investigations, interventions, and

referrals or refer the matter to the designated Business Unit to conduct appropriate investigations, interventions, and referrals.

The supervisor or designated authority shall conduct an immediate investigation and take disciplinary action, up to and including termination and or dismissal, against any Employee who threatens, commits, or has committed incidents of Gender-based Violence. If an Employee informs CHIETA that he or she has committed an act of Gender-based Violence, CHIETA will use its best efforts to take more reasonable disciplinary actions and provide appropriate references (medical or otherwise, as appropriate) to assist the Employee.

7. PREVENTATIVE MEASURES

7.1 Awareness Programs

CHIETA shall conduct regular and mandatory awareness programs for all Employees to raise awareness of the ways Gender-based Violence may impact the workplace, to encourage all Employees to take all reasonable measures to create a harmonious working environment free of intimidation, hostility, offense, and any form of violence, and to encourage Victims to seek assistance in negotiating abuse through Safety Planning.

Training will include information on the physical, social, and cultural realities that may affect Victims of Gender-based Violence; how such violence impacts the workplace, including the potential impact on worker productivity and safety risks; and the steps that all Employees can take to reduce the risk of violence and support Victims.

7.2 Management Training

Other programs will be available, such as targeted training for managers and supervisors, the completion of which will be required for advancement to higher levels of responsibility.

7.3 Familiarization with Policy

Employees are responsible for becoming acquainted with the Policy as well as the various options and internal channels available for dealing with such behaviour.

7.4 Emergency Contact

Employees should contact the CHIETA Human Resource Unit OR the Governance & Risk Unit OR the Grants, Strategic Projects, and Regions Unit if there is an imminent threat of Gender-based Violence.

8. REFERRAL TO NATIONAL AUTHORITIES (SAPS)

If there is evidence to support allegations of Gender-based Violence after a thorough investigation, these cases may be referred to national authorities (SAPS) for criminal prosecution after consultation with the Governance & Risk Business Unit and the CEO.

9. EFFECTIVE DATE, DATE OF APPROVAL VERSION CONTROL AND QUALITY ASSURANCE

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1
Annual Quality Assurance
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