

HARRASSMENT POLICY

TT-FOA-06

Standard Operating Policy – Finance,
Operations & Administration

Effective Date 24 August 2021

1. DOCUMENT CONTROL

1.1. Document Information

Property	Description
Document Title	Harassment Policy
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Document Author	Khethelo Zulu
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Active Date	24 August 2021

Author Signature: *kezulu* Date: 15/09/2021

Author signature confirms the contents of this document.

1.2. Approvals

The signatures below confirm that the reviewers agree with the content of the document and that this document is approved for implementation within Tshiamiso Trust.

Name	Position	Signature	Date
May Hermanus	Chairman of the Board	<i>May Hermanus</i>	01/12/2021
Kgomotso Molebatsi	Chairperson: HR, Remuneration and Governance Committee	<i>Kgomotso Molebatsi</i>	01/12/2021
Daniel Kotton	Chief Executive Officer	<i>Daniel Kotton</i>	05/10/2021

This document is effective from the date of the last approval signature.

1.3. Change Record

Date	Effective Date	Author	Version	Change Reference

1.4. Document Location

The fully executed document is held by: The Trust
When printed this document is uncontrolled.

2. POLICY SCOPE

2.1. Purpose of the Policy

The purpose of this policy is to give practical guidance to employees who wish to report incidents of harassment at the workplace.

It is the intention of the Trust to provide all employees with a working environment that is free from any harassment and where all employees are treated with respect. The Trust will not permit an atmosphere of tension created by ethnic, cultural, racial, or religious remarks or animosity, unwelcome advances, request for sexual favours or other improper verbal or physical conduct of a sexual or offensive nature to be permitted at the workplace. Although this policy applies to all employees of the Trust, it will be viewed as a significant aggravating factor that a harasser is a more senior person than the person harassed, especially in a superior subordinate relationship.

When there may be fear or resistance by employees to report harassment, especially in cases where the alleged harasser is a superior or where the possibility exists that the incident complained of may not result in the dismissal of the alleged harasser and the complainant may have to continue to work with that superior, the Trust its commitment to eliminating harassment at the workplace and in so doing to reduce such fear or resistance.

2.2. Objectives of the Policy

The objective of this policy is to give practical guidance to employees who wish to report incidents of harassment in the workplace.

The aim is to promote a working environment that is free from any form of harassment, which affords dignity and respect to all employees, applicants, contractors, and stakeholders.

All employees have a duty to uphold the vision and mission of the Trust.

3. POLICY GOVERNANCE

3.1. Policy Review

The Policy will be reviewed in 2024 into account any changes in legislation and the Trust's operational requirements.

3.2. Ownership of Policy

Ownership of the Policy will be vested in the Human Resources scope of accountability.

3.3. Approval of Policy

The Policy and any amendments from time to time must be approved by the Chief Executive Officer and the Board.

3.4. Legal Context

This Policy is informed by the:

- The Constitution of the Republic of South Africa, 1996
- Labour Relations Act, 1995, as amended
- The Basic Conditions of Employment Act, 1997, as amended

3.5. Related Group Policies

The Policy is supported by and should be read in conjunction with the following policies:

- Disciplinary Policy
- Grievance Policy
- Confidentiality Policy

4. POLICY STATEMENT

The harassment of another person constitutes a serious offence which will not be tolerated nor condoned, disciplinary action will be taken against those who fail to comply.

All persons have the right to lodge a grievance in relation to any form of harassment.

5. HARASSMENT POLICY

5.1. Harassment and Sexual Harassment Definitions

In terms of the Protection from Harassment Act 17 of 2011, harassment means directly or indirectly engaging in conduct that the perpetrator knows or ought to know –

- a) Causes harm or inspires the reasonable belief that harm may be caused to the complainant or a related person by unreasonably-
 - (i) Following, watching, pursuing, or accosting of the complainant or a related person, or loitering outside of or near the building or place where the complainant or related person resides, works, carries on business, studies, or happens to be;
 - (ii) Engaging in verbal, electronic or any other communication aimed at the complainant or a related person, by any means, whether or not conversation ensues; or
 - (iii) Sending delivering or causing the delivery of letters, telegrams, packages, facsimiles, electronic mail or other objects to the complainant or a related person or leaving them where they will be found by, given to, or brought to the attention of, the complainant or a related person; or
- b) Amounts to sexual harassment of the complainant or related person.

In terms of the Protection from Harassment Act 17 of 2011, sexual harassment any-

- a) Unwelcome sexual attention from a person who knows or ought reasonably to know that such attention is unwelcome.
- b) Unwelcome explicit or implicit behaviour, suggestions, messages or remarks of a sexual nature that have the effect of offending, intimidating, or humiliating the complainant or related person in circumstances, which a reasonable person having regard to all the circumstances would have anticipated that the complainant or related person would be offended, humiliated, or intimidated
- c) Implied or expressed promise of reward for complying with sexually oriented request; or
- d) Implied or expressed threat of reprisal or actual reprisal for refusal to comply with sexually oriented request;

5.2. Roles and Responsibilities

Responsibility of employees

- All persons bear the responsibility to refrain from conduct which is in conflict with the prescribes of this policy.

Responsibility of Managers

Managers have a duty:

- To ensure that the working environment within their control is free from any form of harassment.
- To ensure that appropriate steps are taken in accordance with this policy in instances where there is a complaint.
- To create an awareness on this policy.
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5.3. Procedure for lodging a complaint

An employee who feels harassed should report the incident/s to his/her line Manager or Human Relations Manager, alternatively to another Manager or business unit head, in instances where the complaint is against the employee's line manager.

5.4. False Accusations

False accusations will not be tolerated these have the potential to result in serious, severe, and detrimental consequences to all affected parties. Where it is suspected that a complaint is false an investigation will be conducted and if successfully proven a disciplinary action will follow.

5.5. Confidentiality

Grievances about sexual harassment will be investigated and treated with the utmost confidentiality.

Persons permitted at the disciplinary enquiry are members of management, the aggrieved person, representatives, alleged perpetrator, witnesses, and interpreter if so required.

5.6. Victimization

The victimisation of any form will not be tolerated.

