



## **HUMAN RESOURCES POLICY AND PROCEDURE**

### **SEXUAL HARASSMENT POLICY**

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## **6. SEXUAL HARASSMENT POLICY**

### **6.1. PURPOSE**

The purpose of the policy is to define the meaning of sexual harassment and to outline the procedures for reporting such behaviour at 2ndBest.

### **6.2. STATEMENT**

2ndBest will not tolerate any conduct in the form of harassment, sexual or otherwise, of its employees in the workplace, and upon notification will investigate and take steps necessary to eliminate what has been determined to be harassment of any of its employees.

### **6.3. OBJECTIVES**

The objectives of the policy are to define the meaning of sexual harassment and to outline the procedure for reporting such behaviour.

### **6.4. SCOPE**

The Sexual Harassment Policy applies to:

- 6.4.1 All permanent vacant positions within 2ndBest
- 6.4.2 Full-time and part-time employees (half day and two third day employees) who are regarded as permanent employees
- 6.4.3 Temporary employees who have applied for permanent vacancies within 2ndBest

### **6.5. ROLE AND RESPONSIBILITIES**

- 6.5.1 \_\_\_\_\_ (Position) is responsible for updating the Sexual Harassment Policy and Procedures
- 6.5.2 \_\_\_\_\_ (Positions) within the specific business units are responsible for the maintenance of the Sexual Harassment Policy and procedures as well as ongoing advisory support to line managers.
- 6.5.3 It is the line manager's responsibility to ensure compliance with the Sexual Harassment Policy and Procedure.

## **6.6. RELATED POLICIES AND DOCUMENTS**

- 6.6.1 The Basic Conditions Of employment Act 75 of 1997
- 6.6.2 Individual Employment Contracts
- 6.6.3 Protection of Harassment Act 19 of 2011

## **6.7. SEXUAL HARASSMENT POLICY AND PROCEDURE**

### **6.7.1 Definition of Sexual Harassment**

Sexual Harassment is a form of sex discrimination. It is an unlawful practice for any employer, company and organization to discriminate against any individual because of his race, colour, religion, sex or national origin.

There are two forms of sexual harassment which can generally be described as:

#### **6.7.1.1 Quid Pro Quo :**

- A favour or advantages granted in favour of something
- Unwelcome verbal or physical conduct of a sexual nature when submission to the conduct is made either an explicit or implicit term or condition of employment (such as promotion, training time-keeping, overtime assignments, leaves of absence, etc.);
- Unwelcome verbal or physical conduct of a sexual nature when submission to or rejection of the conduct is used as a basis for making employment decisions.

#### **6.7.1.2 Hostile Work Environment**

- Unwelcome verbal or physical conduct of a sexual nature when the conduct has the purpose or effect of substantially interfering with an individual's work performance, or creating an intimidating, hostile, or offensive work environment; or

- Unwelcome verbal or physical nonsexual conduct that shows hostility toward a person because of his or her gender when the conduct has the purpose or effect of substantially interfering with an individual's work performance, or creating an intimidating, hostile, or offensive work environment

## **6.7.2 Examples of Prohibited Conduct**

### **6.7.2.1 Quid Pro Quo**

- Offering or implying an employment-related reward (such as a promotion or raise) in exchange for sexual favour or submission to sexual conduct.
- Threatening or taking of a negative employment action (such as termination, demotion, denial of an earned promotion, denial of a leave of absence) if sexual conduct is rejected.

### **6.7.2.2 Hostile Work Environment**

- Unwelcome sexual advances or repeated flirtations.
- Unwelcome intentional touching of another person or other unwanted intentional physical contact (including patting, pinching or brushing against another person's body).
- Unwelcome whistling, staring or leering at another person.
- Unwelcome questions or comments about another person's sexual activities, dating, personal or intimate relationships, or appearance.
- Conduct or remarks that are sexually suggestive or that demean or show hostility to a person because of the person's gender (including jokes, pranks, teasing, obscenities, obscene or rude gestures or noises, slurs, epithets, taunts, negative stereotyping, threats, blocking of physical movement).

- Displays or circulation of pictures, videos, objects or written materials (including graffiti, cartoons, photographs, pinups, calendars, magazines, figurines, novelty items) that are sexually suggestive or explicit or that demean or show hostility to a person because of the person's gender.
- Unwelcome sexually suggestive, explicit or flirtatious letters, notes, emails or voicemails. See also the company's policy regarding the use of company equipment for business purposes only.
- Meetings or entertainment of company and/or client personnel at an establishment with personnel attired sexually suggestively or explicitly or providing entertainment of a sexually suggestive or explicit nature.

*(The above examples do not purport to be all inclusive.)*

### **6.7.3 Complaint Procedures**

6.7.3.1 Any employee who believes that he or she has been subjected to sexual harassment by an employee is encouraged, but not required, to promptly tell the person that the conduct is unwelcome and to stop such conduct. Any employee who receives such a request must immediately comply with it and must not retaliate against the employee for rejecting the conduct. Any employee with any concern of sexual harassment should bring it to the attention of any of the following:

- i. \_\_\_\_\_ (Position)
- ii. \_\_\_\_\_ (Position)
- iii. \_\_\_\_\_ (Position)
- iv. \_\_\_\_\_ (Position)

- 6.7.3.2 If you choose to raise your concern through your immediate supervisor, your supervisor will in turn contact one of the other individuals listed above for the purpose of looking into this matter.
- 6.7.3.3 2ndBest will investigate every claim of sexual harassment and we will take all reasonable measures to do so promptly. Investigations to gather all of the facts will be conducted confidentially. Only individuals with a need to know will be privy to any particular matter.
- 6.7.3.4 After the investigation, a determination will be made by the appropriate management persons regarding resolution of the situation. If warranted under the circumstances, disciplinary action will be imposed. Other appropriate actions will also be taken to correct problems caused by the conduct. We will discuss with the individual bringing forward the complaint the results of the investigation and, where appropriate, the corrective actions being taken.
- 6.7.3.5 Any employee who brings forward a complaint of sexual harassment will be protected from retaliation.