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UCASHO ENTERPRISE

Prohibition of Sexual Harassment Policy

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1. INTRODUCTION

In order to ensure a productive and pleasant working environment, it is important that UCASHO's Employees maintain a workplace characterized by mutual respect. Accordingly, sexual harassment will not be tolerated, condoned, or allowed, whether engaged by peers, or management.

Employees who engage in such behavior will be subject to disciplinary action, which may lead to dismissal. Management is responsible for ensuring that the work environment is free from sexual harassment. All sexual harassment complaints and actions of whatever nature related to such complaints are confidential, subject to the requirements of this policy.

2. PURPOSE

This policy is written to prevent sexual harassment in the workplace and to provide appropriate procedures to deal with sexual harassment incidents. The policy endeavors to create a workplace that is free of sexual harassment, where the employer and the Employees respect one another's integrity, dignity, privacy and right to equity in the workplace.

3. APPLICABILITY

This policy is applicable to all UCASHO Employees, as well as customer, contractors and/or suppliers who allegedly sexually harass Employees

4. POLICY ENFORCEMENT AND VIOLATION

Any Employee who violates the terms and conditions of this policy, applicable legislation and/or regulations may be subject to legal action, contract termination and/or disciplinary action which may lead to dismissal.

5. POLICY REVIEW

This policy will be reviewed as and when required by Management to comply with changes in applicable legislation or Telkom administrative rules, and or to enhance its effectiveness. Furthermore, ad-hoc changes and improvements will be made as and when they are identified.

6. REFERENCE DOCUMENTATION

This policy dictates the Prohibition of Sexual Harassment for UCASHO Employees, but is subject to all applicable South African legislation.

7. DEFINITIONS, ABBREVIATIONS AND ACRONYMS

7.1 Definitions

	Definition
Advisor	Supervisor, manager, SHE, ER or HR.
Complainant	Complainant is the person who is making the complaint. It can be the victim and/or a witness
Employees	Employees include permanent Employees, temporary and contract workers, employed directly or indirectly by UCASHO,
Employer	UCASHO Enterprise PTY LTD
Harasser	Harasser is the person who transgresses the provisions of this policy.
Management	Owner or appointed representatives
Supervisor	The effected Employee's supervisor.
Respondent	is the person against whom the formal complaint is laid.
Sexual harassment	Sexual harassment is unwanted conduct of a sexual nature. The unwanted nature of the sexual harassment distinguishes it from behaviour that is welcome and mutual.
Sexually hostile environment	To create a sexually hostile environment, unwelcome conduct, must meet two additional requirements: (1) it must be subjectively abusive to the person/s affected, and (2) it must be objectively severe or pervasive enough to create a work environment that a reasonable person would find abusive.
UCASHO	Means UCASHO Enterprise PTY LTD registered within South Africa, registration number 2015/035977/07, with its registered address at Watcor Park, WA 12 & 13, Jones Street Parow, 7501, Western Cape, South Africa.
Workplace	Any premises or place where an Employee reports for duty in the course of his/her employment with UCASHO.

7.2 Abbreviations

Abbreviation	Description
SHE	Occupational Health And Safety

8. LAWS AND REGULATIONS

- Labour Relations Act 66 of 1995
- Code of Good Practice on the Handling of Sexual Harassment Cases
- Basic Conditions of Employment Act 75 of 1997
- Employment Equity Act 55 of 1998
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000

9. RESPONSIBLE PERSONS AND DUTIES

9.1 As the Complainant

If you are the person reporting the sexual harassment complaint, you must be prepared to give the following information:

- a. full details of the incident(s);
- b. the names of witnesses who have seen or heard the offensive conduct;
- c. the names of persons, if known, who may have had a similar experience with the alleged harasser;
- d. a chronology – when, how and where the incident(s) occurred;
- e. the reason(s) why you have not reported the incident(s) earlier (if delayed at all); and
- f. your thoughts on what the Employer should do to correct the problem and maintain a harassment free environment.

9.2 As the Respondent

If you are the person accused of sexual harassment, you have the right to decide whether to participate in the investigation or not, regardless of whether you believe the allegations to be true or false. However, by choosing not to participate, the Respondent runs the risk of not allowing his/her version of the incident to be heard during the investigation and resolution of the allegation(s).

You may be asked not to communicate with certain individuals during the course of the investigation. As the Respondent you are prohibited to retaliate, in any manner, against the person(s) who in good faith make(s) the complaint or anyone who participates in the investigation.

9.3 As a Possible Witness

You may be required to provide details concerning the alleged sexual harassment. You have a responsibility to respond truthfully to all questions concerning these allegations. Remember, Telkom's policy is to keep all investigations confidential.

9.4 As Promoter

In the event of a sexual harassment complaint being reported, Promoters must be supportive to both the Complainant and the Respondent. Additionally, Promoters are required to explain the options (refer to paragraph 12.2, 12.3 and 12.4) that are available to the Respondent and the Complainant. Promoters should enquire from the Complainant how he/she prefers to deal with the situation and address any concerns, about filing a formal complaint.

Management is required to discuss the policy at staff meetings and make sure that all Employees and supervisory staff are aware of what action(s) to take, if harassment(s) occurs. Promoters must also set the appropriate standard of conduct through their own behaviour.

10. FORMS OF SEXUAL HARASSMENT

Forms of prohibited sexual harassment can include, but are not limited to the following:

- a. Promoters explicitly or implicitly suggesting sex in return for hiring, compensation, promotion or retention decision;
- b. Verbal or written sexually suggestive or obscene comments, jokes or propositions/gestures/intimations;
- c. Unwanted physical contact, such as touching, grabbing or pinching;
- d. Displaying sexually suggestive objects, pictures, text or magazines;
- e. Continual expression of sexual or social interest after an indication that such interest is not desired;
- f. Conduct with sexual implications when such conduct debilitates morale and interferes with the Employee's work performance or creates an intimidating work environment; and
- g. Suggesting or implying that failure to accept a request for a date or sex would adversely affect the Employee in respect to a performance evaluation or promotion.

Sexual harassment **does not** refer to normal conversation or occasional compliments that all parties find acceptable. It does not refer to office relationships that are freely entered into without intimidation or coercion, which must be treated as a private concern.

11. FACTORS DETERMINING A SEXUALLY HOSTILE ENVIRONMENT

To determine whether behaviour is severe or pervasive enough to create a sexually hostile environment, the investigator will, inter alia, consider the factors below:

- a. the frequency of the unwelcome discriminatory conduct;
- b. the severity of the conduct;
- c. whether the conduct was physically threatening or humiliating, or a mere expression;
- d. whether the conduct unreasonably interfered with work performance;
- e. the effect on the Employees psychological well-being; and
- f. whether the harasser was a superior to the accuser in the organisation.

12. REPORTING

The following section outlines specific reporting requirements related to sexual harassment incidents. Management or the next management level (where the line manager is the Respondent) is the first step for the reporting of an incident(s). Management should liaise with Legal Services to ensure that the necessary actions are taken to address and resolve any incident(s).

12.1 Maintain records

Employees who feel that they have been harassed must maintain records of incidents, including dates, times, places, witnesses, responses or alleged harassed or harasser, and any other relevant information.

12.2 Informal resolution

- a. If the complaint is minor, it may be appropriate to resolve the situation informally. Before proceeding Promoters must confirm their assessment, Legal Services.
- b. Talk to the harasser: Employees should indicate clearly and directly that the behaviour is not acceptable and must be stopped. Employees should have a witness present and keep record of the date, time and place when the discussion take place. If Employees communicate by letter or memo, they must keep a copy.
- c. Talk to the immediate promoter or next management level (if the promoter is the cause of the offending conduct): All Promoters have an obligation to provide a work environment free of sexual harassment and to take corrective action. Employees may discuss the situation with their immediate promoter or with another person in a position of authority.

12.3 Formal complaint

It is important that the Complainant lodge a formal complaint to enable management to investigate the matter.

If the informal measures do not resolve the situation, the formal complaint procedure should be followed.

Alleged offenders have the right to:

- a. be informed that a complaint has been filed;
- b. have a copy of the complaint, stating the allegation(s) and the name of the complainant;
- c. respond to the allegation(s);
- d. be accompanied during investigative interviews by a co-worker, or another support person;
- e. be informed in writing of the decision and what action, if any, will be taken and the reason for the decision; and
- f. discuss the matter with an advisor.

12.4 External complaint options

The legal rights of the victim are not in any way limited to this policy. A victim of sexual assault has the right to proceed with criminal and/or civil charges against the alleged Respondent.

The Respondent similarly has the right to protect his/her rights in a court of law.

13. PARTICIPATING IN AN INVESTIGATION

All Employees have a responsibility to cooperate with the investigation of a sexual harassment complaint, but participation is not compulsory. All complaints should be promptly and thoroughly investigated.

The Respondent, Employee(s), the Complainant(s), and/or witness (es) should bear in mind that **confidentiality** of reports and investigations of sexual harassment incidents will be maintained to the greatest extent, possible. Two or more people have their reputations on the line and gossip about allegations of sexual misconduct can damage their reputation. It is therefore expected of all parties to cooperate fully and to respond truthfully during the investigation.

14. RETALIATION

UCASHO management will not in any way retaliate against any individual who reports sexual harassment or permit any Employee to do so. Retaliation is a serious violation of this policy and should be reported immediately to management to liaise with the necessary role-players.

15. FALSE ALLEGATIONS

Failure to prove a claim of sexual harassment is not equivalent to a false allegation. Sanctions shall be imposed on Employees who knowingly or with reckless disregard for the truth, make false accusations, and/or misrepresentations of sexual harassment.

16. RIGHT TO APPEAL

If any party directly involved in a sexual harassment investigation is dissatisfied with the outcome or resolution, the individual has the right to appeal the decision through written correspondence.

17. REMEDIAL ACTION

If UCASHO finds that sexual harassment did occur (or even some inappropriate action falling short of sexual harassment) a variety of disciplinary measures may be used, including:

- a. an oral or written warning;
- b. Termination of Contract, or
- c. suspension;

The action taken in any particular case is within UCASHO's discretion. If there is not enough evidence to reach a conclusion about harassment, UCASHO might take other actions such as separating the parties.

18. EMPLOYEE ASSISTED PROGRAMME

All EAP referrals should be forwarded to SHE Management to identify the need for psychological assistance and to refer the Employee, if necessary for counseling.

19. POLICY OWNERSHIP, REVIEW AND IMPLEMENTATION

Management must ensure and promote compliance of this policy.

Non compliance to this policy may lead to disciplinary and or civil action if required.