

**Company  
logo**

**(Company name and details)**

**PREVENTION AND ELIMINATION OF  
HARASSMENT IN THE WORLD OF WORK POLICY**



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## 1. PURPOSE

The International Labour Organisation (ILO) has established new global standards aimed at ending violence and harassment in the world of work. ILO Convention No. 190 (or C190 for short) is the first international treaty to recognise the right of everyone to a world of work free from violence and harassment, including gender-based violence and harassment. This Code of Good Practice on the Prevention and Elimination of Harassment in the world of work was published on the 18th of March 2022.

\_\_\_\_\_ (name of employer/company) has adopted this anti-violence and harassment policy which expresses our commitment to maintain a workplace that's free of violence and harassment, so our employees can feel safe and happy.

\_\_\_\_\_ (name of employer/company) will not tolerate anyone intimidating, humiliating or sabotaging others in our workplace. We also prohibit wilful discrimination based on age, sexual orientation, ethnicity, race, religion or disability.

## 2. DEFINITION

***VIOLENCE AND HARASSMENT in the world of work*** as a single term refers to as "a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm and includes gender-based Violence and Harassment. "

**Harassment** can include, cyberbullying to any of the following acts or attempted acts:

- spreading rumours or gossip about an individual or group



- cyber bullying (threatening, spreading rumours or talking negatively about an individual online); threats made over the phone, by email, or through other medium to an employee, including from an (ex)partner or family member making offensive jokes or remarks
- playing unwanted practical jokes
- socially excluding or isolating someone
- stalking or inappropriately following a person
- tampering with someone's work equipment or personal belongings
- vandalizing or hiding personal belongings or work equipment
- impeding a person's work in any deliberate way
- persistently criticising, undermining, belittling, demeaning, or ridiculing a person
- intruding on a person's privacy
- public ridicule or discipline
- unwelcomed physical contact
- sexual innuendo or insinuation
- unwanted and inappropriate invitations or requests, including those of a sexual nature.
- displaying offensive posters, cartoons, images, or other visuals
- making aggressive, threatening, or rude gestures
- misusing authority, including:
  - constantly changing work guidelines
  - restricting information
  - setting impossible deadlines that lead to failure, and/or

- blocking applications for leave, training or promotion in an arbitrary manner
- Engaging in any of the actions, conduct and comments outlined above against a person because of that person's:
  - race
  - national or ethnic origin
  - colour
  - religion
  - age
  - sex
  - sexual orientation
  - gender identity or expression
  - marital status
  - family status
  - genetic characteristics
  - disability, or
  - any of the other prohibited grounds that the South African Human Rights Act lists

**Violence** can include but is not limited to the following acts or attempted acts:

- verbal threats or intimidation
- verbal abuse, including swearing or shouting offensively at a person
- contact of a sexual nature
- kicking, punching, scratching, biting, squeezing, pinching, battering, hitting, or wounding a person in any way



- attack with any type of weapon
- spitting at a person

### **3. SCOPE OF APPLICATION**

This Policy applies to all employees, including applicants for employment, contractors, interns, and volunteers. However, in terms of relevant legislation, the perpetrators and victims of harassment may include those not directly associated with \_\_\_\_\_ (name of employer/company), such as clients, customers, suppliers, contractors, and others who have dealings with \_\_\_\_\_ (name of employer/company).

This Policy must be read in conjunction with the Act, Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace 2022 and other related policies of \_\_\_\_\_ (name of employer/company).

### **4. PROCESSES AND PROCEDURES TO FOLLOW WHEN HANDLING MATTERS OF HARASSMENT AND VIOLENCE**

- The procedures detailed in this Policy aim to enable the resolution of problems in a gender-sensitive, confidential, efficient, and effective manner.
- When an employee reports an alleged incident of harassment or lays a complaint, \_\_\_\_\_ (name of employer/company) must investigate the allegation according to this Policy and further advise the complainant of the informal and formal procedures available to resolve the complaint or deal with the harassment.



#### **4.1 Reporting of Harassment and Violence**

Any allegation of harassment must immediately be brought to the attention of their direct manager. Complainants are encouraged to inform the \_\_\_\_\_  
(name of employer/company) HR Department/Manager, especially when the alleged harassment is severe.

\_\_\_\_\_ (name of employer/company) also recognises that in certain instances, an employee may not raise a harassment-related grievance immediately because of factors such as a fear of reprisal and the relative position of the complainant and alleged perpetrator in the workplace.

\_\_\_\_\_ (name of employer/company) also recognises that complaints of harassment may be brought to the attention of \_\_\_\_\_  
(name of employer/company) by any other person who may be aware of the alleged harassment, for example, colleague, or Human Resources practitioner acting at the request of the complainant.

#### **4.2 Investigating Harassment and Violence**

\_\_\_\_\_ (name of employer/company) is obligated to investigate complaints in accordance with the provisions of section 60(2) of the Employment Equity Act, considering the impact and the privacy of the affected person(s) and/or complainant(s).

(a) When an allegation of harassment has been brought to the attention of the

\_\_\_\_\_ (name of employer/company), it must, through the HR Department:

- (i) Be reported as soon as possible but not later than five (5) working days after having received the complaint, consult all relevant parties and gather statements or any other evidence;
- (ii) Reassure the complainant that the complaint will not result in job loss or any adverse consequences if the complainant elects to follow either the formal or informal procedure, provided that the substance of the complaint is truthful;
- (iii) Advise the complainant that the matter will be dealt with confidentially and, where reasonably practicable, offer the complainant advice, assistance, and counselling;
- (iv) Advise the complainant whether it may be appropriate to lay a criminal charge or obtain a protection order.

#### **4.3 Informal Procedures**

A complainant in a harassment matter may elect to explain to the alleged perpetrator that the conduct in question is not welcome, that it is related to a prohibited ground and its impact on the complainant, for example, that it makes the person feel uncomfortable and that it interferes with their work and therefore should be stopped; or depending on the circumstances, an appropriate person may approach the alleged perpetrator without revealing the complainant's identity and explain to the alleged perpetrator that certain forms of their conduct constitute harassment, are offensive and unwelcome, make employees feel uncomfortable and interfere with their work and therefore should be stopped.

#### 4.4 Formal Procedures

a) A complainant may elect to follow a formal procedure, either with or without first following the informal procedure.

(b) The complaint concerning must be lodged in writing using the prescribed grievance form and must be submitted to the HR Manager/department.

(c) The complainant must ensure that the completed grievance form contains sufficient details of the alleged harassment so that \_\_\_\_\_ (name of employer/company) can identify the nature of the harassment and the resolution or outcome the complainant wants from lodging the grievance.

(d) Upon investigating the incident of alleged harassment, \_\_\_\_\_ (name of employer/company) may elect to recommend that the complaint be addressed per the company's Grievance and Disciplinary Procedure.

(e) Appropriate disciplinary action will be taken against any employee who violates this Policy and based on the seriousness of the offence, disciplinary action may include a verbal or written reprimand, suspension, or termination of employment.

(f) Dismissal may be the result of continued minor instances of harassment, after warnings, or severe instances of harassment.

(g) Should the matter not be satisfactorily resolved by the internal procedures outlined above, a complainant may refer the dispute to the Commission for Conciliation, Mediation and Arbitration (CCMA); Dispute resolution Centre (DRC) or Labour Court for judgement, as provided for in terms of the Employment Equity Act.

(h) An alleged perpetrator of harassment may refer a dispute arising from disciplinary action taken by the Company to the CCMA or DRC, whether appropriate, the Labour Court.

(i) A complainant also has the right to lay a criminal charge or instate civil proceedings against the alleged perpetrator.

## **5. PRIVACY AND CONFIDENTIALITY**

\_\_\_\_\_ (name of employer/company) must ensure that complaints procedures and disciplinary action related to Violence and Harassment are investigated and managed that ensure privacy and the rights of the affected person(s) and/or complainant(s) are upheld with due consideration to privacy and confidentiality by taking the following into account. The affected person(s) and/or complainant(s) have the right to lodge a complaint to the employer concerning any matter related to Violence and Harassment without victimisation or fear of reprisal, provided that the substance of the allegation is truthful.

## **6. SUPPORT MEASURES**

\_\_\_\_\_ (name of employer/company) and its employees are jointly responsible for contributing towards a safe and healthy working environment.

\_\_\_\_\_ (name of employer/company) will ensure that records of available security, police, health and safety and other support services are kept and appropriate referrals, for counselling and any other appropriate interventions are made.

\_\_\_\_\_ (name of employer/company) must ensure that all programmes on treatment, care and support are clearly communicated.



## **7. PROGRAMMES, TRAINING AND AWARENESS**

\_\_\_\_\_ (name of employer/company) may develop and effectively implement appropriate integrated gender-sensitive strategies, including training and awareness programmes for the elimination of Violence and Harassment in the workplace.

## **8. NOTICES SUBMITTED IN BAD FAITH**

Notices of harassment and violence that are identified throughout the resolution process as having been made in bad faith may be subject to disciplinary action.

## **9. REVIEW OF POLICY**

This Policy will be reviewed annually or when a need arises to ensure compliance.