

## **POLICY IN HANDLING SEXUAL HARASSMENT CASES**

### **Introduction**

- 1) The objective of this policy are to eliminate sexual harassment in the workplace, by practicing its principles internally, as well as providing guidance to our customers, when appropriate.
- 2) The policy provides appropriate procedures to deal with the problem and prevent its occurrence.
- 3) The policy encourages and promotes the development and implementation of practices and procedures that will lead to the creation of workplaces that are free of sexual harassment, where employers and employees respect one another's integrity and dignity, their privacy, and their equity in the workplace.

### **Application of the policy**

- 1) Although this policy is intended to guide KTRC and our employees, the perpetrators and victims of sexual harassment may include:
  - Managers
  - Supervisors
  - Employees
  - Job applicants
  - Clients/Customers
  - Suppliers
  - Contractors
  - Owners of other Businesses
  - Employer of the businesses
  - Others having dealing with our organization
- 2) No one mentioned above confers the authority on our organization to take or instigate disciplinary action in respect of non-employees.
- 3) A non-employee who is a victim of sexual harassment may lodge a grievance with the employer of the harasser where the act has taken place in the workplace or in the course of the harasser's environment.

#### **Board of Directors**



## **Definition of sexual harassment**

Sexual harassment is unwanted conduct of a sexual nature. The unwanted nature of Sexual harassment distinguishes it from the behavior that is welcome and mutual.

Sexual attention becomes sexual harassment if:

- a) The behavior is persistent although a single incident of harassment can constitute sexual harassment; and or
- b) The recipient has made it clear that the behavior is considered offensive; and or
- c) The perpetrator should have known that the behavior is regarded as unacceptable.

## **Forms of sexual harassment**

1. Sexual harassment may include unwelcome physical, verbal or non-verbal conduct, but it is not limited to these examples:
  - a) Physical conduct of sexual nature includes all unwanted physical contact, ranging from touching to sexual assault and rape, and includes a strip search by the presence of the opposite sex.
  - b) Verbal forms of sexual harassment include unwelcome innuendoes, suggestions and hints, sexual advances, comments with overtones, sex-related jokes or unwelcome graphic comments about the person's body. This may be made in the person's presence or directed toward him/her, unwelcome and inappropriate enquires about a person's sex life, and unwelcome whistling directed at a person or group of persons.
  - c) Non-verbal forms of sexual harassment include unwelcome gestures, indecent exposure, and the unwelcome display of sexuality explicit pictures and objects.
  - d) Quid pro quo harassment occurs where a person or persons undertake or attempt to influence the process of employment or other benefit of an employee or job applicant, in exchange for sexual favors. Aspects of employment also include promotion, training, discipline, dismissal, salary increment or related matters.
2. Sexual favors exists where a person who is in a position of authority rewards only those who respond to his/her sexual advances, whilst other deserving employees who do not submit themselves to any sexual advances are denied promotions, merit rating or salary increases.

### **Board of Directors**

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## **Guiding principles**

1. Management and other employees alike should create and maintain a working environment in which the dignity of employees is respected. A climate in the workplace should also be created and maintained in which victims of sexual harassment will not feel that their grievances are ignored or trivialized, or fear reprisals.
2. Implementing the following guidelines can assist in achieving these ends:
  - a) Management and employees are required to refrain from committing acts of sexual harassment.
  - b) All members of staff have a role to play in contributing towards creating and maintaining a working environment in which sexual harassment is unacceptable. They should ensure their standards of conduct do not cause offences and they should discourage unacceptable behavior on the part of others.
  - c) We should all attempt to ensure that persons such as customers, suppliers, job applicants and others, who have dealings with our business, are not subjected to sexual harassment by any of us.
  - d) Management and other employees are required to take appropriate action in accordance with this policy, when instances of sexual harassment, which occur within the workplace, are brought to their attention.
3. Existing written guidelines concerning disciplinary matters should take cognizance of and be guided by the provisions of this policy.

## **Policy Statement**

1. This Policy prescribes that:
  - a) All employees, job applicants and other persons, who have dealings with our organization, have the right to be treated with dignity.
  - b) Sexual harassment in the workplace will not be permitted or condoned.
  - c) Persons who have subjected to sexual harassment in the workplace have a right to raise a grievance about it should and appropriate action will be taken by management.
2. Management are duty-bound to implement this policy and take disciplinary action against employees who do not comply with it.
3. Allegations of sexual harassment will be dealt with seriously, expeditiously, sensitively and confidentially.
4. Employees will be protected against victimization, retaliation for lodging Grievances and from false accusations.
5. This policy should be communicated effectively to all employees

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## Procedures

### 1. Advice and assistance

Sexual harassment is a sensitive issue and a victim may feel unable to approach the perpetrator, lodge a formal grievance or turn to colleagues for support. The organization should provide the victim with counselling as after care.

#### a) **Informal procedures**

It may be sufficient for the employee to have an opportunity where she/he can explain to the person engaging in the unwanted conduct that the behavior in question is not welcome. That it offends them or makes them uncomfortable, and that it interferes with their work, if the informal approach has not provided a satisfactory outcome, if the case is severe or if the conduct continues, it may be more to embark upon formal procedure. Severe cases may include sexual assault, rape, a strip search and quid harassment.

#### b) **Formal procedures**

Where a formal procedure has been chosen in the aggrieved, the case will be handled as follows:

- I. The aggrieved employee should lodge a complaint to his/her Department manager, who would arrange a proper investigation and a formal disciplinary hearing.
- II. The hearing will take place with 56 working hours and all other procedures will be followed in terms of our disciplinary code.
- III. Should the matter remain unresolved, the aggrieved employee may request that a dispute be declared and referred to the Employment Equity Committee, or another appropriate body within the organization for resolution.

### Investigation and disciplinary action

- a. Care should be taken during investigation of a grievance of sexual harassment that the aggrieved person is not disadvantaged, and that the position of other parties is not prejudicial if the grievance is found to be unwarranted.
- b. Our discipline code provides that an employee may be dismissed for serious misconduct or repeated offences. It follows, therefore, that serious incident of sexual harassment or continued harassment after warnings are dismissible offences.
- c. In cases of persistent harassment or single incidents of serious misconduct, managers ought to adhere the procedures as set out in our disciplinary code.

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- d. All members of staff should take note that it would be an offence to victimize or retaliate against an employee who, in the good faith, lodged a grievance of sexual harassment. Such staff would definitely be disciplined.

### Criminal and civil charges

A victim of sexual assault has the right to press separate criminal and/or civil charges against an alleged perpetrator, and the legal rights of the victim are in no way limited by this policy

### Dispute resolution

Should a complaint of alleged sexual harassment not be satisfactorily resolved by the internal procedures set out above, either party could refer the matter for external mediation, in instance, the should be referred to the commission for conciliation mediation and arbitration (CCMA) for conciliation, within 30 days of the dispute having arisen. Should the dispute remain unresolved, either party could refer the dispute to the labor court within 30 days of receipt of the certificate issued commissioner of the CCMA.

### Confidentiality

1. Grievances about sexual harassment will be investigated and handled in a manner that ensures that the identity of the persons involved are kept confidential.
2. In cases of sexual harassment, management, employees and the parties concerned must endeavor to ensure confidentiality in the disciplinary enquiry. Only appropriate members of management as well as aggrieved person, representative, alleged perpetrator, witnesses and interpreter if required, must be present in the disciplinary enquiry.
3. Managers are required to disclose to either party or to the representatives, only such information as may be reasonably to enable the parties to prepare for any proceedings in terms of this policy.
4. The relevant provisions of section 16 of the Labor Relation Act will apply to the disclosure of information of this policy.

### Additional sick leave

Where an employee's existing sick leave has been exhausted, management may give due consideration to the granting of additional sick leave in proven cases of serious sexual harassment where the employee- on medical advice- require trauma counselling.

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## Information and Education

The content, implications and applications of this policy will be brought to the attention of all individual employees when conducting induction training.

Signed at: \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 2025

\_\_\_\_\_  
Management signature

\_\_\_\_\_  
Board of director's Representative Signature

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