

Policy : **Sexual Harassment**
Manual : **Human Resources Policies and Procedures Manual**

Applicability

This policy applies to all employees and contractors of Intuate Group and its Subsidiaries ('The company'). All employees are required to comply with this procedure, in respect of fellow employees as well as clients, suppliers and contractors of The Company

Sexual Harassment Policy

1. Introduction

1.1 The Company believes that:-

- 1.1.1 All employees and job applicants have the right to be treated with dignity.
- 1.1.2 Employees are required to respect one another's integrity, dignity, privacy and their right to equity in the workplace.
- 1.1.3 Sexual harassment in the workplace will not be permitted or condoned and the purpose of this policy is to adopt a zero tolerance approach towards sexual harassment in the workplace.
- 1.1.4 Persons who have been subjected to sexual harassment in the workplace have a right to lodge a grievance, and to expect that the Company will take appropriate action.

2. Preamble

- 2.1 The purpose of the policy is to be consistent with the constitution of the Republic of South Africa, which entrenches fundamental human rights.
- 2.2 Sexual harassment is a violation of the fundamental human rights of men and women and is a violation of the right to equality, human dignity, privacy, security of person and fair labour practices. Sexual harassment undermines the basic integrity of the employment relationship and is a direct violation of the Company values and Code of Conduct.
- 2.3 The organisation commits itself to the timeous handling of cases of alleged sexual harassment and to ensure that fair procedures and appropriate action is taken to minimise and deal with matters of sexual harassment as soon as instances of alleged sexual harassment are brought to its attention.
- 2.4 The organisation views sexual harassment in any form in an extremely serious light and disciplinary action, including summary dismissal, may result.
- 2.5 In turn however, false and malicious claims of sexual harassment that cannot be substantiated will also be viewed in a serious light, and disciplinary action including potential dismissal may result.
- 2.6 Sexual harassment can be viewed as acts against both male or female persons by persons of the same or opposite sex without regard to the employee's or the perpetrator's sexual orientation.

3. Definition

3.1 Sexual attention becomes sexual harassment if:-

- 3.1.1 The behaviour is persisted in, although a single incident of harassment can constitute sexual harassment; and/or
- 3.1.2 The recipient has made it clear that the behaviour is considered offensive; and/or
- 3.1.3 The perpetrator should have known that the behaviour is regarded as unacceptable.

4. Behaviour constituting sexual harassment

Sexual harassment includes, but is not limited to the following types of behaviour:-

4.1 Verbal behaviour of a sexual nature, such as

- 4.1.1 Unwelcome innuendoes, suggestions and hints.
- 4.1.2 Unwelcome sexual advances.
- 4.1.3 Unwelcome comments with sexual overtones.
- 4.1.4 Unwelcome sex related jokes or insults.
- 4.1.5 Unwelcome graphic comments about a person's body made in their presence or directed toward them.
- 4.1.6 Unwelcome and in-appropriate enquiries about a person's sex life.
- 4.1.7 Unwelcome whistling directed at a person or group of persons.
- 4.1.8 Unwelcome jokes that cause awkwardness or embarrassment.
- 4.1.9 Comments about a person's sexual habits.
- 4.1.10 Verbal threats or abuse.
- 4.1.11 Unwelcome telephone calls with sexual overtones.

4.2 Gestures and other non-verbal behaviour

- 4.2.1 Unwelcome gestures.
- 4.2.2 Indecent exposure.
- 4.2.3 The unwelcome display of sexually explicit/undesirable pictures and objects.
- 4.2.4 Persistent and unwelcome flirting.

4.3 Visual sexual harassment

- 4.3.1 A public display of pornographic or other offensive, derogatory and/or sexually explicit pictures, photographs, cartoons, drawings, symbols and other material.
- 4.3.2 Showing of pornographic or sexually explicit movies or slides.
- 4.3.3 Indecent exposure of private parts in view of others.
- 4.3.4 Displaying/sourcing offensive material/jokes on PC's and/or e-mailing such material to other employees.

4.4 Physical behavior

- 4.4.1 All unwanted physical contact, ranging from touching to sexual assault and rape, and includes a strip search by or in the presence of the opposite sex.
- 4.4.2 Attempted or actual kissing or fondling.

4.5 Psychological sexual behaviour

- 4.5.1 Repeated unwanted social invitations for dinner, drinks or movies.
- 4.5.2 Sexual favors.
- 4.5.3 Requiring/requesting a subordinate to wear sexy, revealing, or suggestive clothes.

4.6 Quid pro quo harassment

When an employer, supervisor, member of management or co-employee undertakes or attempts to influence the process of employment, promotion, training, discipline, dismissal, salary increment or other benefit of an employee or job applicant, in exchange for sexual favors.

4.7 Sexual favoritism

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.

4.8 Behaviour which does not constitute sexual harassment

The following would not normally constitute sexual harassment:-

- 4.8.1 Occasional compliments.
- 4.8.2 Flirtatious banter when it is mutually acceptable.
- 4.8.3 Forms of greetings that are deemed acceptable according to the Company culture and behaviour.
- 4.8.4 Occasional jokes or other behaviours whereby the intent is not meant to be offensive, except where the perpetrator should have known that the behaviour is regarded as unacceptable.

5. Procedure

- 5.1 Sexual harassment allegations need not follow the normal Grievance Procedure and will remain as confidential as possible. Any employee who believes that he or she has been the subject of sexual harassment should report the alleged charge immediately in accordance with the following procedure. All information disclosed pursuant to this procedure will be held in strictest confidence, and will only be disclosed on a need-to-know basis in order to investigate and resolve the matter.
- 5.2 Because the immediate supervisor or line manager may be alleged to be involved, the complainant may contact anyone from Human Resources (or the Executive Team); to investigate an allegation. This investigation must be done in consultation with Human Resources or by a Management assigned investigator.
- 5.3 The investigator would assure the complainant that the allegation details and the complainant's identity will remain as confidential as possible.
- 5.4 The investigator and the complainant should try to agree whether the complainant wishes the matter to be resolved informally or prefers formal disciplinary action to be taken. Pressure should not however be put on the complainant to either drop or proceed with the complaint/grievance.

5.5 The Informal Procedure

- 5.5.1 If the complainant prefers informal action, the assigned investigator will call the accused to a private meeting, advise them of the details of the complaint lodged. The investigator will assure the accused that their own identity will remain as confidential as possible until the matter is resolved. The investigator must give the accused an opportunity to state their case; explain the outcome that the complainant requests (an informal settlement) and advise the accused of the possible consequences if proved guilty of sexual harassment in a formal disciplinary hearing.
- 5.5.2 The investigator shall again meet with the complainant, advise him/her of the accused's response and, if the complainant is satisfied, invite both parties to meet to consider resolving and settling the matter without the need for formal discipline action.

5.5.3 The investigator will assess what support and assistance the complainant may require after settlement.

5.5.4 The role of the investigator is that of a mediator. On being appraised of the allegations, the investigator may of his/her own accord initiate the formal procedures set out below.

5.6 The Formal Procedure

If the matter is not settled, or if the complainant or accused wants formal disciplinary action the investigator will investigate the allegation sensitively, interview witnesses, if any, and get written statements, if possible. If the allegations are substantial and serious, and there are reasonable prospects of proving the allegations against the accused on a balance of probability, the normal Disciplinary Procedures in respect of a formal disciplinary hearing, shall then be followed.

5.7 The Informal and Formal procedures may differ in two important respects:-

5.7.1 if the complainant wishes, the formal disciplinary hearing will take place in camera, i.e. in private, only the persons directly involved should attend; and

5.7.2 the names of the parties shall remain as confidential as possible.

The Company's usual disciplinary measures apply, as well as the normal rules regarding appeals.

5.7.3 It is a disciplinary offence to victimise or retaliate against an employee who in good faith lodges a grievance of sexual harassment, or to pressurise a complainant to drop a complaint of sexual harassment.

5.7.4 In turn it is a disciplinary offence to lay unfounded or unjustified complaints against a fellow employee with the intent to cause malicious harm to them or their reputation. The legal rights of the victim are reserved and are in no way limited.

6. Confidentiality

6.1 Employers and employees must ensure that grievances about sexual harassment are investigated and handled in a manner that ensures that the identities of the persons involved are kept as confidential as possible.

6.2 In cases of sexual harassment, management, employees and the parties concerned must endeavour to ensure confidentiality as far as possible in the disciplinary inquiry. Only appropriate members of management as well as the aggrieved person, representative, alleged perpetrator, witnesses and interpreter if required, must be present in the disciplinary inquiry.

6.3 The Company is required to disclose to either party or to their representatives, such information as may be reasonably necessary to enable the parties to prepare for any internal or external civil or criminal proceedings.

7. Employee Assistance Programme

7.1 A complainant or an alleged perpetrator of sexual harassment, who has been found to be innocent or unjustly accused, may apply for remedial assistance, including the use of their sick leave or trauma counseling where such proceedings have impacted on the employee's work performance or psychological well-being.

7.2 The Company will refer the complainant or an alleged perpetrator of sexual harassment to the Company's trauma councilor.