

SEXUAL HARASSMENT POLICY

1. Introduction

- 1.1. PARI believes that each individual employed by the organisation has the right to be free from sexual harassment of any kind, and where employers and employees respect one another's integrity and dignity, their privacy and right to equity in the workplace.
- 1.2. The purpose of this policy is, therefore, to eliminate sexual harassment in the workplace and to provide the appropriate procedures and measures to prevent the occurrence of sexual harassment, as well as the appropriate procedures should this occur. This policy is based on the Policy of Good Practice on the handling of Sexual Harassment cases.

2. Scope

This policy applies to all board members, management, staff, interns, volunteers and consultants hired by PARI and includes all potential job seekers. The policy applies to sexual harassment in the workplace and includes places where PARI staff are assigned for work purposes.

3. Definition of sexual harassment

Sexual harassment includes all forms of conduct whether *implicit or explicit* where there is:

unwelcome physical contact, sexually explicit language or gestures, uninvited or unwanted sexual advances, or an offensive overall environment, including the use of vulgar language, the presence of sexually explicit photographs or other materials, and the telling of sexual stories and jokes or reprisal or threat of reprisal for submitting a complaint, participating in the investigation of a complaint, or rejection of a sexual advance.

4. Principles

- 4.1. PARI will not tolerate any form of sexual harassment from superiors, subordinates, or fellow employees, including any harassment from an employee against another employee, or by an employee of PARI against an employee of a client organisation with whom PARI works.
- 4.2. Hence, PARI will create and maintain a climate in the workplace in which victims of sexual harassment will not feel that their grievances are ignored or trivialised, or fear reprisals.
- 4.3. Men as well as women can be victims of sexual harassment.
- 4.4. PARI encourages the reporting of incidents of sexual harassment and will take action to stop the harassment and prevent its reoccurrence. PARI commits itself to dealing with sexual harassment cases in a very sensitive, prompt, unbiased and confidential manner.
- 4.5. PARI will not tolerate intimidation, victimisation or unfair discrimination against any employee who makes a complaint of harassment or who assists in an investigation of an alleged harassment. Retaliation against an employee who complains of harassment can be expected to lead to disciplinary action including, in appropriate cases, dismissal.
- 4.6. Job security and job-related benefits of the grievant shall be guaranteed.
- 4.7. PARI shall ensure that sexual harassment education programmes are in place and all employees are conversant with this Policy.
- 4.8. All proven sexual harassment offenders will be dealt with through the disciplinary procedures up to and including dismissal.
- 4.9. While this Code applies to sexual harassment within the scope of the organisation, PARI could suspend (on full pay) any person accused of committing a sexual offense such as rape and other forms of sexual assault outside of the organisation, pending the outcome of court proceedings. The criteria for such suspension are determined in the organisation's Disciplinary Policy and Procedures.

5. Forms of Sexual Harassment

There are various forms of sexual harassment that range from subtle attention to the worst form of violence such as rape. Examples of sexual harassment may include the following, but are not limited to the listed examples:

5.1. Physical Forms

Physical conduct of a sexual nature means unwanted physical contact ranging from fondling breasts, pinching of buttocks, assault, molestation, sexual patting or touching, attempted rape or rape, strip-search by or in the presence of the opposite sex.

5.2. Verbal Forms

Verbal conduct of a sexual nature may include: Unwanted sexual advances, verbal comments with sexual overtones, sex-related jokes or insults, graphic comments about a person's body, enquiring about a person's sex life and whistling.

5.3. Non-verbal Forms

Non-verbal conduct of a sexual nature may include indecent body exposure, display of sexually suggestive pictures or objects, leering and winking.

5.4. Quid Pro Quo Harassment

Quid pro quo harassment is an abuse of authority by an employer, supervisor or any member of management or fellow employee who has the power or can influence the process of employment, dismissal, promotion or salary increment.

6. Confidentiality

- 6.1. PARI shall ensure that sexual harassment complaints are investigated and handled in a manner whereby the identities of the persons involved are kept confidential, if necessary.

- 6.2. In cases of sexual harassment, management and the parties concerned shall ensure confidentiality in the disciplinary enquiry. Only affected persons and their representatives (including an interpreter where necessary) shall be present in the disciplinary enquiry session.
- 6.3. Where possible, management, in consultation with the grievant, shall consider the appropriate venue for the disciplinary enquiry.

7. Procedures for Settling Complaints and Grievances Relating to Allegations of Sexual Harassment

The procedure shall be divided into two options including:

7.1. The informal procedure

- 7.1.1. The informal procedures shall be used for subtle forms of sexual harassment. The informal procedure shall not be used for cases that involve sexual assault, rape, strip search by or in the presence of the same or opposite sex, quid pro quo or persistent forms of sexual harassment, unless the grievant chooses to follow an informal procedure.
- 7.1.2. Where possible, the grievant may wish to resolve the complaint without reference to formal procedures by approaching the alleged harasser, by writing a letter to the alleged harasser and/or by asking a member of management or a representative of the employee's choice, to mediate.
- 7.1.3. Should informal mediation as described above be successful in resolving the matter, no disciplinary action shall be taken against the alleged harasser.
- 7.1.4. The grievant and the alleged harasser shall be referred to relevant trauma crisis centres for counselling should they so wish.

7.2. Formal Procedure

- 7.2.1. Where the informal procedures are not applicable or inappropriate, the disciplinary code and procedure (DCP) shall be used to address the complaint because of the sensitivity and seriousness of sexual harassment.

- 7.2.2. All rights as required by law in terms of the disciplinary procedure shall apply to both the grievant and the alleged harasser.
- 7.2.3. The disciplinary hearing shall, in so far as it is practicable, be held within five (5) working days of the outcome of the investigation having been provided to the grievant and the alleged harasser.
- 7.2.4. The outcome of the disciplinary hearing shall be communicated to the affected parties within two (2) working days unless otherwise agreed to by the parties.
- 7.2.5. Upon failure by management to hold a disciplinary enquiry, the grievant shall have the right to seek the intervention of the Commission for Conciliation, Mediation and Arbitration ("CCMA").
- 7.2.6. Where the alleged harasser is found not guilty, no disciplinary action shall be taken against an employee who has filed a complaint in good faith. If the complaint is found to be capricious, malicious and without foundation, PARI may, in appropriate circumstances take action against the complainant, which may include disciplinary action.

7.3. Disciplinary Measures

- 7.3.1. Disciplinary measures may include the following, but shall not be limited to: counselling and education, verbal warning, written warning, final written warning and dismissal.
- 7.3.2. For any sexual assault such as attempted rape, molestation, rape or strip search, summary dismissal shall be applied.
- 7.3.3. The grievant of sexual assault shall have the right to press separate criminal and/or civil claims against the alleged harasser, and the legal rights of the grievant shall in no way be limited by this code.

7.4. Dispute Resolution

- 7.4.1. Where the grievant or alleged harasser is not satisfied with the outcome of the disciplinary hearing, either party may within 30 days of the dispute having

arisen, refer the matter to the CCMA in accordance with the provisions of section 135 of the Labour Relations Act.

7.4.2. Should the dispute remain unresolved, either party may refer the dispute to the Labour Court within 30 days of receipt of the certificate issued by the Commissioner.

7.5. Implementation of this Code

7.5.1. While we continue to fight sexual harassment on a legal level, education and awareness- raising programmes, which encourage gender sensitive practices and behaviour, shall be included in PARI's education programmes to educate management and employees about rights and appropriate procedures pertaining to cases of sexual ~~harassment~~.

