



# **POLICY ON PREVENTION AND ELIMINATION OF HARASSMENT IN THE WORKPLACE**

|                                                       |    |
|-------------------------------------------------------|----|
| 1. Introduction and purpose .....                     | 3  |
| 2. Objectives and definitions .....                   | 3  |
| 3. Protection of rights .....                         | 6  |
| 4. Harassment in the workplace .....                  | 8  |
| <i>What is harassment?</i> .....                      | 8  |
| <i>Communicating and reporting harassment</i> .....   | 9  |
| <i>Confidentiality</i> .....                          | 10 |
| 5. Advice, assistance and additional sick leave ..... | 10 |
| 6. Procedures .....                                   | 12 |
| 7. Assessment of conduct .....                        | 14 |
| 8. General provisions .....                           | 15 |
| SCHEDULE 1 – Procedure flow .....                     | 17 |
| SCHEDULE 2 – Forms / Types of Harassment .....        | 19 |

## **1. Introduction and purpose**

- 1.1. The purpose of this Policy is to give effect to the Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace<sup>1</sup> ('the Code'), and to provide clear principles to Municipal Employees and to set coordinated guidelines within which harassment in the workplace will be addressed.

## **2. Objectives and definitions**

- 2.1. The primary objective of this Policy is to give credence to the Code by enforcing the protection afforded to Employees in terms thereof, and to set out the procedures available to deal with harassment or victimisation in the workplace, and to prevent its recurrence.
- 2.2. The Employer is committed to protecting the rights and interests of its Employees and in order to do so, it seeks to introduce a framework in order to, *inter alia*: -
- 2.2.1. create awareness and inform Employees of their rights in respect of harassment or victimisation in the workplace;
  - 2.2.2. promote, achieve, and maintain a safe and healthy work environment which is free from harassment, where the employer and employees respect one another's integrity, dignity, privacy, and right to equality in the workplace;
  - 2.2.3. define and delineate acceptable conduct from unacceptable conduct in the workplace;
  - 2.2.4. create a guideline against which the work environment must be tested;
  - 2.2.5. ensure that Employees are provided with alternative remedies when they are unable to confront perpetrators, or unable to confide in fellow colleagues for support;

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<sup>1</sup> Government Gazette No. 46056 (GNR.1890 of 18 March 2022)

2.2.6. ensure that complaints are resolved in a sensitive, efficient, effective, and confidential manner.

2.3. In this policy, unless the context clearly indicates otherwise, the following words have the following corresponding meanings:

| Word                 | Definition / meaning                                                                                                                                                                                                                     |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Arbitrary ground     | Means a ground which finds similar application as the listed prohibited grounds, and which has the effect of excluding a person from the workplace, infringing on their dignity, which causes a hostile work environment.                |
| Code                 | Refers to the Code of Good Practice on Prevention and Elimination of Harassment in the Workplace issued in terms of section 54(1)(b) of the EEA published under Government Notice No. 1890 of 18 March 2022 in Government Gazette 46056. |
| Commentary           | Means an expression of opinion(s), offering of explanation(s), or criticism in respect of an event, features, objects, or situation(s) directed at one or more persons.                                                                  |
| Complainant          | Means an employee against whom an act, or acts, of harassment has been committed (victim of harassment).                                                                                                                                 |
| EEA                  | Means the Employment Equity Act No. 55 of 1998, as amended from time to time.                                                                                                                                                            |
| Employer             | Means Kouga Local Municipality (EC108).                                                                                                                                                                                                  |
| Harassment/ Bullying | Means the words or expressions referred to in Schedule 2.                                                                                                                                                                                |

|                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ILO                                                | Means the International Labour Organisation.                                                                                                                                                                                                                                                                                                                                                                                                 |
| LGBTQIA+                                           | Means lesbian, gay, bisexual, trans, queer, intersex, asexual +.                                                                                                                                                                                                                                                                                                                                                                             |
| LRA                                                | Means the Labour Relations Act No. 66 of 1995, as amended from time to time.                                                                                                                                                                                                                                                                                                                                                                 |
| OSHA                                               | Means the Occupational Health and Safety Act No. 85 of 1993, as amended from time to time.                                                                                                                                                                                                                                                                                                                                                   |
| PEPUDA                                             | Means the Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000, as amended from time to time.                                                                                                                                                                                                                                                                                                                     |
| Policy                                             | Means this Protection Against Harassment Policy                                                                                                                                                                                                                                                                                                                                                                                              |
| Unwanted conduct                                   | Refers to any conduct which is offensive to the receiver, makes the receiver feel uncomfortable, or is generally considered unacceptable.                                                                                                                                                                                                                                                                                                    |
| Unfair discrimination                              | Refers to harassment which is directed or aimed at a specific person or group of persons, based on one or more prohibited grounds listed in section 6(1) of the EEA.                                                                                                                                                                                                                                                                         |
| Work environment / working environment / workplace | <p>means any place in which the employee works or related to their work, which includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>a) Public and private spaces;</li> <li>b) Where the employee is paid, takes a rest break or meals, or uses sanitary- or medical facilities;</li> <li>c) Work-related events, training, or social activities;</li> <li>d) Work-related trips, transport, or travelling;</li> </ul> |

|  |                                                                                                                                                                                                |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p>e) Work-related communications regardless of the communication method;</p> <p>f) Employer provided accommodation / housing;</p> <p>g) Private residence of employees who work remotely.</p> |
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### 3. Protection of rights

- 3.1. This Policy is underpinned by the Constitution of South Africa, the EEA, the ILO, the LRA, OHSA, the Protected Disclosures Act No. 26 of 2000, and the Protection from Harassment Act No. 17 of 2011, which places an obligation on Employers to prevent violence and harassment in the workplace.
- 3.2. The EEA obliges Employers to take steps which promote equal opportunity in the workplace, and in doing so, the Employer is obliged to ensure that conduct which has a negative impact on an employee's dignity and/or personal well-being, or conduct which hinders the employee's ability to work, is remedied.

|                  |                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| EEA Section 6(1) | No person may unfairly discriminate, directly or indirectly, against an employee, in any employment policy or practice, on one or more grounds including race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language, birth or on any other arbitrary ground. |
| EEA Section 6(3) | Harassment of an employee is a form of unfair discrimination and is prohibited on any one, or a combination of, grounds of unfair discrimination listed in section 6(1).                                                                                                                                                                                                                                                    |

- 3.3. If such conduct (described above) is not remedied, it may result in a hostile work environment which impacts the dignity of one or more employees.
- 3.4. Perpetrators of harassment or victims of harassment need not form part of the Employer's staff establishment, and may include any of the following persons or category of persons who are associated with the Employer:
- 3.4.1. Councillors;
  - 3.4.2. Managers or directors;
  - 3.4.3. Supervisors;
  - 3.4.4. Employees;
  - 3.4.5. Job seekers and applicants;
  - 3.4.6. Persons in training positions;
  - 3.4.7. Volunteers;
  - 3.4.8. Customers or clients;
  - 3.4.9. Suppliers or service providers;
  - 3.4.10. Contractors;
  - 3.4.11. Any other person having dealings with the Employer.
- 3.5. This means that where an employee falls victim to a perpetrator who is not employed by the Employer, but associated with the Employer in another way, the Employer may take appropriate steps necessary to ensure that an Employee is not subjected to unfair discrimination.
- 3.6. Harassment of an Employee, or a person associated with the Employer or its dealings, on a prohibited ground constitutes unfair discrimination and will not be permitted or tolerated.
- 3.7. It is a disciplinary offence to:
- 3.7.1. commit an act of harassment against a fellow employee;
  - 3.7.2. commit an act of harassment against another person who works with, or is associated with, the Employer or its business dealings;
  - 3.7.3. victimize an Employee, or any another person who works with, or is associated with, the Employer or its business dealings;

- 3.7.4. victimize or retaliate against an Employee who, in good faith, lodges a grievance about harassment, whether for themselves, or on behalf of another;
- 3.7.5. to falsely accuse another employee or person of harassment or victimisation.

## **4. Harassment in the workplace**

### What is harassment?

- 4.1. Harassment is generally understood to be unwanted conduct, perpetrated by a person directed at another person. In the employment environment it is unwanted conduct aimed at, or perpetrated by, an employee (or group of employees) which impairs the dignity of a person, regardless of whether the unwanted conduct complained of is -
  - 4.1.1. direct or indirect;
  - 4.1.2. verbal or non-verbal;
  - 4.1.3. physical, simulated, or psychological;
  - 4.1.4. actual or threatened;
  - 4.1.5. persistent or a single event.
- 4.2. Harassment directed at an employee based on one or more of the prohibited grounds listed in section 6(1) of the EEA, and which is personally offensive to the employee is unacceptable behaviour. Such behaviour constitutes a barrier to equality in the workplace and will not be tolerated.
- 4.3. Harassment can take the form of a single serious instance or event, or persistent conduct / repeated events.
- 4.4. Where the conduct complained of is of a serious nature, a single event will be considered harassment. This is conduct which is generally considered to be unacceptable, and the perpetrator can reasonably assume the conduct would be offensive to the receiver, for example:
  - Violent conduct, bullying and intimidation
  - Sexual assault or commentary
  - Racial remarks or commentary

- Discriminatory remarks or commentary
- 4.5. The seriousness shall be considered in light of the conduct perpetrated as well as the impact it has had on the complaint.
- 4.6. Where conduct is repeated or persistent and perpetrated by a fellow employee, the Employer may resort to progressive discipline against the perpetrator, in line with the Disciplinary Procedure Collective Agreement.
- 4.7. Where conduct is repeated or persistent but perpetrated by a person not employed by the Employer, it may take such steps it deems necessary to safeguard the Complainant.

#### Communicating and reporting harassment

- 4.8. Employees or associated persons who fall victim to harassment should attempt to communicate to the perpetrator that the conduct is unwanted or offensive.
- 4.9. It may, in some circumstances, be difficult for Employees to communicate to a perpetrator that the conduct is unwanted and may indicate, or display, their discomfort in different ways.
- Examples: walking away without responding, seeking assistance from a co-worker, superior, human resource official, family member or a friend.
- 4.10. Acts of harassment may be brought to the attention of the Employer by a Complainant, a person assisting the Complainant, or any other person aware of the harassment.
- 4.11. When an allegation of harassment has been brought to the attention of the Employer the employer must:
- 4.11.1. Consult with all relevant parties;
  - 4.11.2. Take necessary steps to address the complaint within the prescripts of the Code, the Policy, and Collective Agreements;
  - 4.11.3. Take necessary steps to eliminate the harassment.
- 4.12. A person who continues to perpetrate unwanted conduct after a complainant or the Employer has communicated that the conduct is

offensive, is unacceptable behaviour, and may be subjected to appropriate action.

### Confidentiality

- 4.13. Matters pertaining to harassment will be investigated and handled in a confidential manner that ensures that the identities of the persons involved are kept confidential for the purpose of protecting the confidentiality of all persons involved.
- 4.14. All internal and external communications related to an incident should be treated as confidential.
- 4.15. Considerations of confidentiality does not preclude the Employer from taking appropriate steps to protect the safety and dignity of employees, either during the investigation or subsequently.
- 4.16. Employers are required to disclose all relevant information to the parties involved in formal procedures or disciplinary proceedings.
- 4.17. In cases of sexual harassment, management, employees, and other parties concerned must endeavour to ensure confidentiality in the disciplinary enquiry. Only management designated to handling disciplinary cases, the Complainant, the alleged Perpetrator, their representatives, other witnesses giving evidence (if any), and interpreter (where needed), should be present at the disciplinary enquiry.

## **5. Advice, assistance and additional sick leave**

- 5.1. Any employee who believes that s/he has been subjected to harassment or victimisation contemplated in this Policy may: -
  - 5.1.1. inform the perpetrator, or elicit the assistance of a colleague to inform the perpetrator, that the conduct or behaviour is unwanted, makes the Complainant feel uncomfortable, or interferes with the Complainant's ability to work effectively;
  - 5.1.2. approach the Human Resources Department for confidential advice or assistance on dealing with the matter;

- 5.1.3. report the conduct to directly to the Human Resources Department by lodging a formal grievance;
- 5.1.4. provide sufficient information in order for the Employer to deal with he complaint.
- 5.2. The Employer will ensure that: -
  - 5.2.1. it provides appropriate support and guidance to a complainant and explains the procedures and programmes available in the circumstances;
  - 5.2.2. grievances relating to harassment or victimisation are investigated, handled and resolved in a confidential manner, and as far as possible, without disclosing the identities of the persons involved;
  - 5.2.3. the appropriate grievance or disciplinary procedure is followed in light of the impact on the Complainant or based on the seriousness of the conduct as a whole and the risk it poses to other persons;
  - 5.2.4. all persons involved in the process are made aware of the sensitivity with which such matters should be dealt with;
  - 5.2.5. extreme matters may be reported to the appropriate authorities with the assistance of the Employer.
- 5.3. Trade unions and employees must ensure that: -
  - 5.3.1. their co-employees are subjected to a healthy work environment;
  - 5.3.2. they report offensive or unwelcome conduct to the Employer;
  - 5.3.3. they deal with the information in a confidential manner, and that they disclose the conduct to appropriate persons.
- 5.4. Directors and Managers in the Employer's various departments must ensure that: -
  - 5.4.1. their subordinates are familiar with this policy and are informed that harassment will not be tolerated in the work environment;
  - 5.4.2. complaints received by subordinates are addressed in a confidential manner, effectively and efficiently;
  - 5.4.3. their own behaviour provides a model of acceptable conduct and are in line with the principles of this policy.

5.5. Employee Assistance Programme

5.5.1. In appropriate circumstances, employers may give consideration to assisting with the cost of medical advice, trauma counselling and care, where such amounts are not covered by any applicable medical aid scheme.

5.5.2. For this purpose, the Employer has in place an Employee Assistance Programme where to a Complainant may be referred to for confidential advice and/or counselling, which assistance shall be performed by a person who is appropriately skilled.

5.6. Additional sick leave

5.6.1. Where an employee's sick leave entitlement has been exhausted, the employer should give due consideration to the granting of additional sick leave in cases of serious harassment, where the employee, on medical advice, requires trauma counselling.

5.6.2. Where harassment results in the employee being ill for longer than two (2) weeks, the employee may be entitled to claim illness benefits in terms of section 20 of the Unemployment Insurance Act, 2001.

## 6. Procedures

6.1. An employee should be afforded an opportunity to choose the method of resolving a complaint in respect of following a formal or informal procedure.

6.2. The Employer falls within the registered scope of the SALGBC and is bound to act in accordance with the policy and procedures set out in the Main Collective Agreement.

6.3. Informal procedures

6.3.1. Where a complainant has elected to follow an informal procedure, the Complainant or their representative, will have an opportunity to explain to the perpetrator that the conduct is unwanted or offensive to the Complainant, with the view that such conduct must not be repeated in the future.

6.3.2. Alternatively, the Complainant may request that an appropriate person from the Human Resources Department to approach the perpetrator, without revealing the identity of the Complainant, and explain to the perpetrator that certain forms of conduct constitutes harassment on prohibited grounds, are offensive and unwelcome, make employees feel uncomfortable, and interferes with their work.

6.3.3. In the event that the informal approach has not resulted in a satisfactory outcome, or if the conduct complained of is serious or severe, the Employer may embark on a formal procedure.

#### 6.4. Formal procedures

6.4.1. Where it is necessary to embark on a formal procedure, the Complainant will be required to lodge a formal grievance in the manner set out in the Disciplinary Procedure Collective Agreement, or provide a formal statement setting out the behaviour which the Complainant considers inappropriate, which allegation of misconduct must be brought to the attention of the Municipal Manager or authorised representative.

6.4.2. The formal grievance or statement must sufficiently explain what had been said or done to offend the Complainant, and where or how it had occurred in order to afford the perpetrator an opportunity to respond to the allegations.

6.4.3. Should the investigation reveal that disciplinary steps are necessary to eliminate such conduct, the procedures provided for in the Disciplinary Procedure Collective Agreement shall apply.

6.4.4. The Employer is required to disclose to the Complainant, the Perpetrator, and their representatives all relevant information as may be reasonably necessary to enable the parties to prepare any proceedings in terms of the Code or this Policy.

- 7.1. Whether or not conduct constitutes harassment, should be assessed on an objective basis from the perspective of the employee who alleges harassment. The primary focus of the inquiry as to whether there has been harassment, is on the impact of the conduct on the employee (complainant).
- 7.2. In some instances, there may be circumstances in which the perceptions of the person harassed are not consistent with the views of a 'reasonable person'. The 'reasonable person' is someone who conducts him-/herself in a manner which is consistent with societal values reflective of our constitutional ethos.
- 7.3. The following factors may be relevant in order to determine whether harassment (generally) has occurred and whether it poses a risk to other persons in the workplace: -
- 7.3.1. The context of the conduct or harassment;
  - 7.3.2. The severity of the conduct or harassment;
  - 7.3.3. The circumstances of the Complaint and the impact that the conduct has had on the Complainant; and
  - 7.3.4. Whether the conduct impacts other persons in the workplace;
  - 7.3.5. The respective positions of the perpetrator and complainant;
  - 7.3.6. Whether the perpetrator has a history of harassment.
- 7.4. The following factors may be relevant in order to establish whether sexual harassment has occurred and whether it poses a risk to other persons in the workplace: -
- 7.4.1. Whether the harassment is based on the prohibited grounds of sex, gender, or sexual orientation;
  - 7.4.2. Whether the sexual conduct complained of is unwanted or unacceptable;
  - 7.4.3. The nature and extent of the sexual conduct;
  - 7.4.4. The impact of the sexual conduct on the Complainant.

7.5. The following factors may be relevant in order to determine whether racial harassment has occurred and whether it poses a risk to other persons in the workplace: -

- 7.5.1. Whether the harassment is based on race, or ethnic or social origin, or characteristic associated with a specific racial or ethnic group;
- 7.5.2. Whether the language or conduct complained of is abusive;
- 7.5.3. Whether the language or conduct complained of impairs the dignity of a complainant or complainants;
- 7.5.4. The extent and degree of abuse or impairment to a person's dignity;
- 7.5.5. Whether the language or conduct is directed at a particular employee or employees;
- 7.5.6. The impact of the conduct on the Complainant.

## **8. General provisions**

- 8.1. The Employer and all its Employees are fall within the scope of the South African Local Government Association. The range of disciplinary sanctions that may be imposed on a perpetrator in terms of this Policy, are as per the Disciplinary Procedure Collective Agreement, and may include;
  - 8.1.1. Warnings for minor offences;
  - 8.1.2. Dismissal for serious or persistent minor contraventions;
  - 8.1.3. Internal transfer of perpetrator in the workplace.
- 8.2. A Complainant may, notwithstanding the provisions in this Policy, lay a criminal charge or institute civil proceedings.
- 8.3. Should the matter be satisfactorily resolved by the internal procedures, a complainant may refer the dispute to the Commission for Conciliation, Mediation, and Arbitration in terms of section 10 of the EEA.
- 8.4. Should a complainant refer the matter in terms of the Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000, it must be referred to the Equality Court.

Approved by Council on: \_\_\_\_\_29 June 2022\_\_\_\_

Council Resolution No.: \_\_\_\_\_22/06/CORP10\_\_\_\_



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Mr. C. du Plessis  
Municipal Manager

13 July 2022

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Date:

## SCHEDULE 1 – Procedure flow

### EXTRACT FROM MAIN COLLECTIVE AGREEMENT<sup>2</sup>: CLAUSE 13 – GRIEVANCE PROCEDURE

#### Step One: Immediate Superior

- 13.2.1 An aggrieved employee or group of employees must lodge a grievance in writing with his or her immediate superior on the prescribed form in Annexure 5 setting out the complaint and the desired result.
- 13.2.2 Should the grievance concern the conduct of the employee's immediate superior, the employee may proceed directly to step two (2) below, provided that he or she submits the grievance on the prescribed form.
- 13.2.3 Should the grievance concern the conduct of the head of department the employee may proceed directly to step three (3) provided he or she submits the grievance on the prescribed form.
- 13.2.4 The immediate superior shall wherever practically possible endeavour, in consultation with the affected employee or employees, to resolve the grievance within ten (10) days of the grievance having been referred to him or her and shall inform the employee of the outcome in writing. An employee may, if he or she so wishes be assisted by a shop steward, fellow employee or union official.

#### Step Two: Head of Department

- 13.3.1 If a grievance has not been resolved to the satisfaction of the aggrieved employee or group of employees within ten (10) days of lodging in terms of clause 13.2.1 above, the employee or employees may refer the matter in writing within ten (10) days to the Head of Department or his or her nominee.
- 13.3.2 The Head of Department or his or her nominee shall arrange a meeting to consult and hold discussions with the affected parties in an attempt to achieve a resolution. The employee or employees may be assisted by a fellow employee, shop steward or union official at such a meeting and the immediate superior may also be required to attend.
- 13.3.3 The Head of Department or his or her nominee shall endeavour to resolve the grievance within ten (10) days of the grievance being referred and shall inform the employee of the outcome in writing.

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<sup>2</sup> South Africa Local Government Bargaining Council – Main Collective Agreement 2015 – 2020 (as extended)

### **Step Three: Municipal Manager**

- 13.4.1 If the grievance has not been resolved to the satisfaction of the aggrieved employee or group of employees within ten (10) days of the referral in terms of clause 13.3.3 above, the employee or employees may refer it in writing to the Municipal Manager or his or her nominee within ten (10) days. The Municipal Manager shall hold a meeting, attended by the employee or employees and their representative, if required, and any other persons who, in the opinion of the Municipal Manager or his or her nominee should attend.
- 13.4.2 The Municipal Manager or his or her nominee shall hear details of the grievance including proposals to resolve the issue and shall endeavour to reach an agreed outcome within ten (10) days of the referral in terms of clause 13.4.1 above.
- 13.4.3 The Municipal Manager or his or her nominee shall inform the employee or employees in writing of the outcome of the hearing as envisaged in clause 13.4.2 above, and such outcome shall be final in terms of this procedure.
- 13.4.4 If a grievance is against a Municipal Manager, the aggrieved employee may refer the grievance to the Mayor or Executive Mayor, who may either seek to resolve the grievance himself or herself or engage the assistance of an appropriate Senior Manager of another Municipality to help resolve the grievance.
- 13.4.5 If a grievance has not been resolved to the satisfaction of the aggrieved party, that party may refer the grievance to the Council for adjudication provided that a dispute has been declared and the party is entitled in law to declare such a dispute.

## SCHEDULE 2 – Forms / Types of Harassment

| Word / expression | Definition / meaning                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Bullying          | <p>Means seeking to harm, intimidate, or coerce someone who is perceived as vulnerable (regardless of whether it is factually so) who are generally groups or persons susceptible to (or at higher risk of) unfair discrimination.</p> <p>Examples of vulnerable persons: persons with disability, women, and the elderly, etc.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Harassment        | <p>Means conduct which includes violence, physical abuse, psychological abuse, emotional abuse, sexual abuse, gender-based abuse, racial abuse which is conveyed through a wide range of conduct which includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>a) Slandering an employee or spreading rumours maliciously;</li> <li>b) Conduct which humiliates, insults or demeans an employee;</li> <li>c) Supplying incorrect work-related information or withholding work-related information</li> <li>d) Sabotaging or impeding the performance of work;</li> <li>e) Ostracising, boycotting, or excluding an employee from work or work-related activities;</li> <li>f) Persecution such as threats, and the inspiration of fear and degradation;</li> <li>g) Intolerance of psychological, medical, disability or personal circumstances;</li> </ul> |

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|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                     | <p>h) Surveillance of an employee without their knowledge and with harmful intent;</p> <p>i) Use of administrative sanction without objective cause, explanation, or efforts to problem solving;</p> <p>j) Demotion without justification;</p> <p>k) Abuse, or selective use of, disciplinary proceedings;</p> <p>l) Pressuring an employee to engage in illegal activities or not to exercise legal rights;</p> <p>m) Pressuring an employee to resign.</p> <p>Examples: negative gossip, negative joking at someone's expense, sarcasm, condescending eye contact, condescending facial expressions or gestures, mimicking to ridicule, deliberately causing embarrassment and insecurity, invisible treatment, marginalisation, social exclusion, professional isolation, and deliberately sabotaging someone's dignity, well-being, happiness, success, and career performance.</p> |
| Physical harassment | <p>Means any conduct which includes physical attacks, simulated or threatened violence, or gestures that insinuate violence.</p> <p>Examples: raising fists, throwing objects at or near a person, hitting, kicking, or tripping a person.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Vertical harassment | <p>Refers to harassment between the Employer/Manager and an employee which involves the use of formal power or material leverage to intimidate, threaten, or harm an</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

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|                       | employee or to dominate and control a complainant.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Horizontal harassment | Refers to harassment between employees in the same position or on the same level.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Mobbing               | Refers to a form of harassment committed by a group of people directed at one or more persons.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Online harassment     | Refers to harassment which is committed, assisted, or aggravated fully or in part, by the use of information and communications technology such as mobile phones, smart phones, internet, social media platforms, or by email.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Sexual harassment     | <p>Means any unwanted conduct of a sexual nature, and may include, but is not limited to:</p> <ul style="list-style-type: none"> <li>a) Physical conduct ranging from, inappropriate touching, hugging, kissing, assault or rape;</li> <li>b) Strip searching by a person with or without appropriate privacy;</li> <li>c) Following, watching, pursing or accosting an employee;</li> <li>d) Sexual attention, advances, or proposals, or other behaviour whether it is express or implied, verbal or non-verbal;</li> <li>e) Express or implied reprisal, or threatened reprisal, to comply with sexually orientated requests;</li> <li>f) Express or implied favouritism for complying with requests.</li> </ul> <p>Examples: innuendos, suggestions, hints, comments with sexual overtones, sex-related jokes or insults,</p> |

|                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|                         | graphic comments about a person's body, inappropriate enquiries of a person's sex-life, sending of explicit texts, images or recorded content, unwelcome gestures, indecent exposure.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Racial harassment       | <p>Means any unwanted conduct which is based on race, ethnic or social origin, or a characteristic associated (or assumed to be associated) with a specific racial or ethnic group of people which is offensive to the receiver and may include, but is not limited to:</p> <ul style="list-style-type: none"> <li>a) Racially offensive written or visual material or communications;</li> <li>b) Communication that amounts to hate speech;</li> <li>c) Offensive behaviour in the form of open hostility towards persons of a specific racial or ethnic group;</li> <li>d) Subtle or blatant exclusion from workplace interaction and activities;</li> <li>e) Marginalising a person or specific group or persons;</li> <li>f) Threatening behaviour with a racial undertone which intimidates a person or creates a hostile work environment.</li> </ul> <p>Examples: racist jokes, racist memes, innuendos, hate speech, derogatory name-calling.</p> |
| Gender-based harassment | Means any unwanted conduct which is based on a person's gender, physical characteristics, sex, or sexual orientation, which is offensive to the receiver and may include but is not limited to:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                       | <ul style="list-style-type: none"> <li>a) Hate speech or gender-phobic language or images;</li> <li>b) Targeting, teasing or insulting;</li> <li>c) Gestures and innuendos;</li> <li>d) Exclusion from the workplace or related activities.</li> </ul>                                                                                         |
| Verbal harassment     | <p>Means any unwanted conduct or commentary which is communicated verbally, and may include, but is not limited to:</p> <ul style="list-style-type: none"> <li>a) Threats and insults;</li> <li>b) Hostile teasing or jokes;</li> <li>c) Constant negative judgment or criticism;</li> <li>d) Language which amounts to hate speech</li> </ul> |
| Non-verbal harassment | <p>Means harassment in the form of gestures, images, leaving offensive items where they may be found by a specific person or group of persons.</p>                                                                                                                                                                                             |