

Sexual Harassment Policy

22nd February 2019

1 DEFINITION OF TERMS

Board Member	Refers to any individual who is currently serving, or who previously served, on the board of directors of Corruption Watch
Casual Employees	Casual Employees are employees who do not have regular or systematic hours of work or an expectation of continuing work
Complaint Receiver	Refers to any individual listed in section 6.1 to whom a complaint of sexual harassment is reported
Consultant	A Consultant provides professional services, usually on the basis of a once-off or retainer contract
Contractor	A Contractor provides a service on the basis of a contract usually related to a project or product.
Complainant	Refers to any individual who has been the victim of sexual harassment
Designated Board Member	The board member assigned the responsibility of receiving reports of sexual harassment by senior managers or other board members
Designated Employee	The employee(s) assigned the responsibility of assisting employees to report sexual harassment
Donor Organisation	Refers to a company or organisation who funds Corruption Watch or makes a donation in the capacity of the organisation, whether once-off or regularly
Employee	Employees are all those who work for Corruption Watch, and include permanent and contract staff, seconded staff, and interns. This includes job applicants for the purpose of this policy
Incident Report	Refers to the document created by the Complaint Receiver which records the details of a report of sexual harassment made by a Complainant, as referred to in section 6.3
Individual Donor	Refers to an individual who makes a donation to Corruption Watch in their personal capacity, either once off or regularly
Perpetrator	The individual against whom allegations of sexual harassment have been reported
Policy	Refers to this Sexual Harassment Policy
Service Provider	An organisation which provides a service on the basis of an ongoing contract
Stakeholder	Organisations or groups that Corruption Watch collaborates with; for example, law firms, Non-Governmental Organisations (“NGOs”), community-based organisations, and faith-based organisations

Strategic Partner	These are Stakeholders who partner with Corruption Watch, for example, in campaigns and litigation, often based on a memorandum of understanding or Memorandum of Agreement. They may include law firms, NGOs, community-based organisations, faith-based organisations
Supplier	An organisation which supplies goods to Corruption Watch, either based on a fixed term agreement or once-off
Reporter	A person or group of people who report allegations of corruption to Corruption Watch

2 PURPOSE

2.1 The purpose of the Sexual Harassment Policy is to ensure a safe working environment that is free from sexual harassment. In order to do so, the Policy outlines:

- 2.1.1 what constitutes sexual harassment and therefore which conduct is prohibited;
- 2.1.2 the procedure to report instances of sexual harassment;
- 2.1.3 the duties placed on Corruption Watch; and
- 2.1.4 the principles which underpin and guide the practical implementation of the Policy.

3 PRINCIPLES

- 3.1 Corruption Watch is committed to dignity, equality, non-discrimination, fairness and the provision of a safe environment for all its Employees, free from discrimination and any form of harassment, including sexual harassment.
- 3.2 Corruption Watch recognises that sexual harassment is a manifestation of power relations and often occurs within unequal relationships in the work place. Sexual harassment may also occur between people of the same rank or gender.
- 3.3 Corruption Watch has a zero-tolerance approach to sexual harassment and will treat all incidents seriously.
- 3.4 Corruption Watch is committed to ensuring that victims of sexual harassment are able to report incidents in a safe and supportive environment, with the knowledge that they will not be victimised.

4 SEXUAL HARASSMENT AND RELATED CONDUCT

- 4.1 Sexual harassment is unwanted conduct of a sexual nature; the unwanted nature of sexual harassment distinguishes it from behaviour that is welcome and mutual.

- 4.1.1 There are various ways that an employee may show that the attention is unwelcome, including walking away or not responding.
 - 4.1.2 Where a complainant has difficulty indicating to the perpetrator that the conduct is unwelcome, such complainant may seek the assistance and intervention of another person such as a co-worker, superior, counsellor, human resource official, family member or friend.
 - 4.1.3 Previous consensual participation in sexual conduct does not mean that the conduct continues to be welcome.
- 4.2 Sexual harassment is a form of unfair discrimination based on sex and/or gender and/or sexual orientation. It infringes on the rights of the Complainant and constitutes a barrier to equity in the work place.
- 4.3 Sexual harassment can be in the form of physical, verbal or non-verbal conduct and includes, but is not limited to, the following examples:
- 4.3.1 Physical Conduct:
 - 4.3.1.1 Unwelcome physical contact which includes patting, pinching, stroking, kissing, hugging, fondling, strip searching or inappropriate touching;
 - 4.3.1.2 Physical violence, including sexual assault and rape.
 - 4.3.2 Verbal conduct:
 - 4.3.2.1 Unwelcome comments on a person's appearance, age, private life, sexual orientation or gender identity;
 - 4.3.2.2 Innuendoes, jokes or stories of a sexual nature;
 - 4.3.2.3 Repeated and unwanted social invitations for dates and sexual intimacy or sexual advances;
 - 4.3.2.4 Unwelcome or inappropriate enquiries or insults about a person's sex life, sexual orientation and gender identity;
 - 4.3.2.5 Whistling or catcalling directed at a person or group of persons;
 - 4.3.2.6 Condescending or paternalistic remarks;
 - 4.3.2.7 Sending sexually explicit messages.
 - 4.3.3 Non-verbal conduct:
 - 4.3.3.1 Displays of sexually explicit or suggestive material;
 - 4.3.3.2 Unwelcome gestures;
 - 4.3.3.3 Indecent exposure.

- 4.3.4 Sexual favouritism which occurs when an individual rewards only those who respond to sexual advances;
- 4.3.5 The use of job-related threats or rewards to solicit sexual favours, or silence a victim of harassment;
- 4.4 Disciplinary action will be taken against a manager, director or Board member who knowingly allows or tolerates sexual harassment.
- 4.5 It is a disciplinary offence to victimise or retaliate against a Complainant who in good faith reports a sexual harassment grievance.
- 4.6 It is a disciplinary offence to report false complaints of sexual harassment against any person.

5 SCOPE

- 5.1 This policy applies to Employees, Board Members, Casual Employees, Consultants, Contractors, Donors, Service Providers, Stakeholders, Strategic Partners, Suppliers and Reporters.
- 5.2 All forms of sexual harassment are prohibited whether it takes place within Corruption Watch's premises or outside, including but not limited to: community workshops, conferences, training sessions, business trips or social events.

6 RESPONSIBILITY AND AUTHORITY

- 6.1 All Employees and Board Members are responsible for creating a safe working environment that is free from sexual harassment.
- 6.2 Employees will undergo annual training, provided for by Corruption Watch, on matters which include but are not limited to, sexual harassment, gender relations and LGBTQIA+ issues.
- 6.3 Corruption Watch will publish a Code of Conduct for all Employees, reporters, partners, contractors, suppliers and stakeholders which makes it clear that sexual harassment will not be tolerated.
- 6.4 All new Employees and Board Members must receive an induction, within their first month at Corruption Watch, which will include an introduction to this Policy and the Code of Conduct.
- 6.5 The sexual harassment policy and the Code of Conduct will be placed on the shared drive for ease of access by all Employees and a short summary will be published on the website, and displayed as posters in the Corruption Watch office.
- 6.6 All Strategic Partners and Stakeholders will be made aware of Corruption Watch's sexual harassment policy.
- 6.7 All organisations and individuals who have a contractual relationship with Corruption Watch, including Consultants, Contractors, Suppliers and Service Providers will be required to adhere

to the Sexual Harassment Policy and Code of Conduct. This requirement will be included in their contract with Corruption Watch.

- 6.8 All Complaint Receivers will receive training that will equip them to adequately and sensitively deal with the receipt of sexual harassment grievances.

7 DESIGNATED EMPLOYEE AND DESIGNATED BOARD MEMBER

- 7.1 The Board will appoint a Designated Board Member to whom sexual harassment by senior managers or a Board member may be reported.
- 7.2 Corruption Watch will appoint one or more Employees to be a Designated Employee to whom sexual harassment may be reported.
- 7.3 Designated Board Members and Employees will be trained in dealing with Sexual Harassment reports.
- 7.4 Employees and Board Members will recognise the role that the Designated Employee(s) and Designated Board Member(s) play in facilitating the reporting of sexual harassment and will not victimise them for playing this role.

8 REPORTING PROCEDURE

- 8.1 A Complainant may report sexual harassment to any of the following Complaint Receivers:
- 8.1.1 In the case of harassment by the Deputy Director, Executive Director or a Board member:
 - 8.1.1.1 The Designated Board Member
 - 8.1.2 In the case of sexual harassment by an employee, or manager, or external stakeholder:
 - 8.1.2.1 Human Resources (HR);
 - 8.1.2.2 Any manager, the Deputy Director or the Executive Director;
 - 8.1.2.3 The Designated Employee.
- 8.2 When reporting an incident of sexual harassment, the Complainant may request the assistance and/or accompaniment of any Employee and/or HR.
- 8.3 The Complaint Receiver will record the details of the report, in a written Incident Report which shall note all relevant information, including but not limited to: dates, times, places, individuals involved, witness details and any action already taken.
- 8.4 The Complaint Receiver will advise the Complainant of all available options and the Complainant will be afforded a reasonable amount of time to make a decision.

- 8.5 The following procedures are available to the Complainant:
 - 8.5.1 The Complainant or one of the Complaint Receivers notifies the Perpetrator that the conduct is unwelcome and unacceptable;
 - 8.5.2 An informal meeting is held between the Perpetrator and the Complainant with the option of attendance by any of the Complaint Receivers;
 - 8.5.3 A mediated conversation is conducted between the Perpetrator and the Complainant with any of the Complaint Receivers as mediator;
 - 8.5.4 Disciplinary action is taken in terms of section 9;
 - 8.5.5 A charge is laid with the South African Police Services;
 - 8.5.6 No action is taken.
- 8.6 The Incident Report will be submitted to the Executive Director and/or the Designated Board Member in terms of either sections 9 and 10.
- 8.7 The matter will be dealt with expeditiously, confidentially and in a sensitive manner.
- 8.8 A decision by the Complainant not to institute disciplinary action does not preclude Corruption Watch from initiating disciplinary action against the Perpetrator in terms of section 9.5.

9 PROCEDURE FOR TAKING DISCIPLINARY ACTION

- 9.1 This procedure applies when the Perpetrator is an Employee.
- 9.2 Disciplinary action will follow the Disciplinary Procedure as set out in the Human Resources Policies Manual Appendix 1: Disciplinary Policy and Procedure.
- 9.3 Sexual harassment is considered serious misconduct and a Disciplinary Enquiry will be held in accordance with the Disciplinary Policy and Procedure.
- 9.4 In the event that the Complainant does not wish to institute disciplinary action:
 - 9.4.1 The Complaint Receiver must submit the Incident Report to the Executive Director and the Designated Board Member.
 - 9.4.2 The Executive Director and Designated Board Member together must assess the risk to other persons in the workplace. The assessment will take into account all relevant factors, including but not limited to:
 - 9.4.2.1 the severity of the sexual harassment;
 - 9.4.2.2 whether the Perpetrator has a history of sexual harassment.

- 9.4.3 If the Executive Director and Designated Board Member determine that there is significant risk of harm to persons in the workplace, they may institute Disciplinary Action against the Perpetrator.
- 9.5 In the event that a Complainant wishes to institute Disciplinary Action against a Perpetrator, the Complaint Receiver must submit the Incident Report to either the Executive Director or the Designated Board Member.
- 9.6 The Disciplinary Enquiry will be instituted within a reasonable time.
- 9.7 The Executive Director or Designated Board Member will appoint a Chairperson of a Disciplinary Enquiry in accordance with the Disciplinary Policy and Procedure.
- 9.8 Where necessary, the Chairperson of the Disciplinary Enquiry may appoint an investigator. The investigator may be internal or external to the organisation and must be given access to interview employees and to information and the resources needed to carry out the investigation.
- 9.8.1 The investigator shall:
- 9.8.1.1 interview the victim and the alleged perpetrator separately;
 - 9.8.1.2 interview other relevant third parties separately;
 - 9.8.1.3 decide whether there exists prima facie evidence that the incident(s) of sexual harassment took place;
 - 9.8.1.4 keep a record of all actions taken;
 - 9.8.1.5 ensure that all records concerning the matter are kept confidential;
 - 9.8.1.6 as soon as possible, but not later than fifteen (15) working days after their appointment, produce a report detailing the investigations, findings and any recommendations to the Chairperson of the Disciplinary Enquiry.
- 9.8.2 The Chairperson of the Disciplinary Enquiry shall use the investigator's report to inform the process and outcome of the Disciplinary Enquiry.
- 9.8.3 The Disciplinary Action will be conducted expeditiously and confidentially in accordance with the Disciplinary Policy and Procedure.
- 9.9 Disciplinary Procedure related to Sexual Harassment
- 9.9.1 The Disciplinary process will be conducted according to the Corruption Watch Disciplinary Policy and Procedure as detailed in the HR Policy and Procedure Manual, Appendix One.
- 9.9.2 Given the sensitive nature of Sexual Harassment and its impact on the victim, the Chairperson of the Disciplinary Enquiry may make appropriate arrangements for the submission of evidence and the cross questioning of the Complainant by the alleged

Perpetrator. This may include the victim giving evidence and responding to questions in writing, or in another room, or through the representative.

- 9.10 The sanction imposed will be proportionate to the seriousness of the sexual harassment, and may include the following:
- 9.10.1 A final written warning;
 - 9.10.2 Dismissal.
- 9.11 If an employee is found guilty of sexual harassment and is not dismissed, they may be required to undergo a rehabilitation process at their own cost. Corruption Watch will require proof that they are attending and adhering to the programme.
- 9.12 Either the Complainant or the Perpetrator may refer the dispute to the CCMA if they are dissatisfied with the disciplinary action.

10 PROCEDURE WHEN THE PERPETRATOR IS A BOARD MEMBER

- 10.1 The Complainant must follow the reporting procedure as outlined in Section 8.
- 10.2 The Complaint Receiver must submit the Incident Report to the Executive Director or the Designated Board Member.
- 10.3 In the event that the Complainant wishes to institute Disciplinary Action, it will be instituted in line with Section 12: Removal of Directors of the Memorandum of Incorporation of Corruption Watch NPC (RF).

11 PROCEDURE WHEN THE PERPETRATOR IS A CONTRACTOR, CONSULTANT, SERVICE PROVIDER, OR SUPPLIER

- 11.1 The Complainant must follow the reporting procedure as outlined in 8.1 – 8.3.
- 11.2 The Complaint Receiver must submit the Incident Report to the Executive Director.
- 11.3 If the Complainant wishes, the Executive Director must raise the complaint with the organisation the Perpetrator works for or is affiliated with and may take the following further action:
- 11.3.1 Prohibit the Perpetrator from accessing Corruption Watch premises;
 - 11.3.2 Request the organisation to discipline the Perpetrator and report on its actions;
 - 11.3.3 Terminate the contract.

12 PROCEDURE WHEN THE PERPETRATOR IS A STRATEGIC PARTNER, STAKEHOLDER OR DONOR ORGANISATION

- 12.1 The Complainant must follow the reporting procedure as outlined in 8.1 – 8.3.
- 12.2 The Complaint Receiver must submit the Incident Report to the Executive Director.
- 12.3 If the Complainant wishes, the Executive Director must raise the complaint with the organisation the Perpetrator works for or is affiliated with and may take the following further action:
 - 12.3.1 Report the matter to the organisation’s Board;
 - 12.3.2 Terminate the relationship between the Strategic Partner or Stakeholder and Corruption Watch;
 - 12.3.3 Reporting the matter to the police.

13 PROCEDURE WHEN THE PERPETRATOR IS A REPORTER OR INDIVIDUAL DONOR

- 13.1 The Complainant must follow the reporting procedure as outlined in 8.1 – 8.3.
- 13.2 The Complaint Receiver must submit the Incident Report to the Executive Director.
- 13.3 If the Complainant wishes, the Executive Director or Complaint Receiver, will inform the Perpetrator that their conduct is unacceptable.
- 13.4 If the Complainant wishes, the following further action may be taken:
 - 13.4.1 the Perpetrator will be prohibited from entering Corruption Watch Premises,
 - 13.4.2 Corruption Watch will no longer provide a service for the Reporter and their telephone calls will be blocked.

14 SUPPORT FOR THE VICTIM OF SEXUAL HARASSMENT

- 14.1 Corruption Watch must take any appropriate action to prevent retaliation or the recurrence of the prohibited conduct during and after any investigations or complaints.
- 14.2 Corruption Watch must assist the Complainant to report the sexual harassment to the South African Police Services, if requested to do so by the Complainant.
- 14.3 Corruption Watch will provide appropriate support to the Complainant, in the form of trauma counselling, special leave, adjustment of working circumstances (if the harasser remains a Corruption Watch Employee), having a third person involved in all meetings between the Complainant and Perpetrator, and acquiring legal advice.

15 CONFIDENTIALITY

- 15.1 All inquiries, complaints and investigations are treated confidentially. Information is revealed strictly on a need-to-know basis.
- 15.2 Information contained in the Incident Report is kept as confidential as possible. However, the identity of the Complainant is usually revealed to the respondent and witnesses during a disciplinary process.

16 OTHER AVAILABLE PROCEDURES

- 16.1 The procedures available under this policy do not pre-empt or supersede any legal procedures or remedies otherwise available to a victim of sexual or other harassment under the legal framework.