

## COLLECTIVE AGREEMENT

### CITY OF TSHWANE METROPOLITAN MUNICIPALITY SEXUAL HARASSMENT POLICY

Entered into by and between

### CITY OF TSHWANE METROPOLITAN MUNICIPALITY

Herein referred to as "CTMM or the Management"

AND

### INDEPENDENT MUNICIPAL AND ALLIED TRADE UNION

(IMATU) and

### SOUTH AFRICAN MUNICIPAL WORKERS UNION (SAMWU)

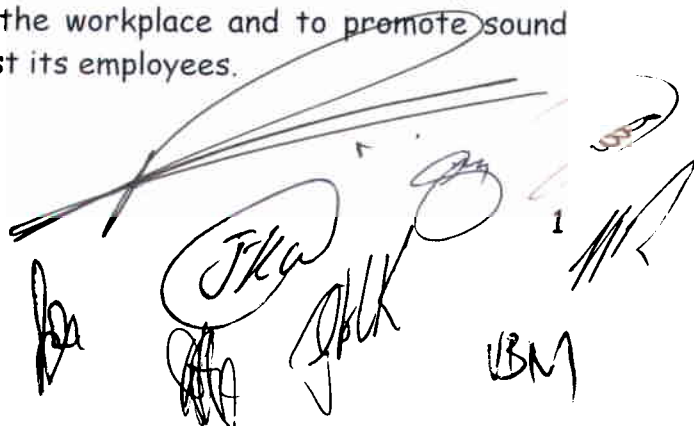
As parties to the SALGBC, Tshwane Division

Agree as follows:

### SEXUAL HARASSMENT POLICY

#### 1. POLICY STATEMENT

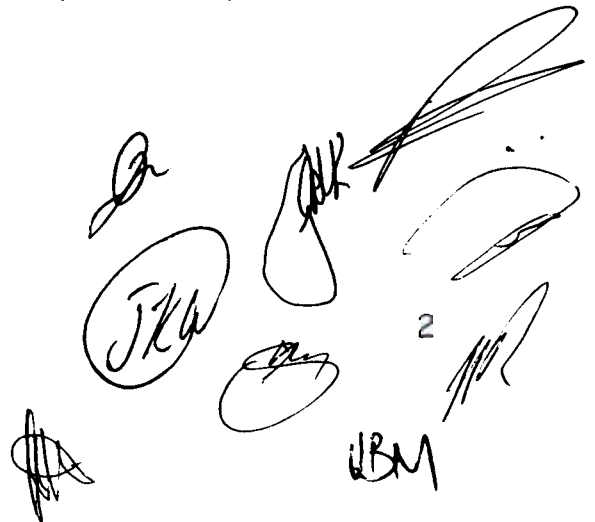
In order to provide a productive and safe working environment it is important that all employees have a right to be treated with dignity, therefore sexual harassment will not be permitted or condoned. Accordingly, sexual harassment of any employee by another person in the workplace will not be tolerated. Furthermore, the City of Tshwane Metropolitan Municipality will endeavour to protect employees from harassment in the workplace and to promote sound and acceptable behaviour amongst its employees.



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## 2. WHAT IS SEXUAL HARASSMENT?

- (1) The court defined sexual harassment as "any unwanted sexual attention in the employment environment. It ranges from sexual innuendo, inappropriate gestures, suggestions or hints or fondling without consent or by force to its worst form namely rape. It is also not necessary the conduct must be repeated. A single act can constitute sexual harassment. The court place an affirmative duty on an employer to "ensure that its employees are not subjected to this form of violation within the workplace.
- (2) The essential characteristic of sexual harassment is that it is unwanted by the recipient, that it is for each individual to determine what behaviour is acceptable to them and what they regard as offensive. Sexual attention becomes sexual harassment if it is persisted in and it has been made clear that it is regarded by the recipient as offensive, although one incident of harassment may constitute sexual harassment if it is serious enough. It is the unwanted nature of the conduct which distinguishes sexual harassment from friendly behaviour, which is welcome and mutual.
- (3) Conduct, amounts to sexual harassment, inter alia, if:
  - (i) It is offensive and unwanted;
  - (ii) It is of a sexual nature or when an employee's gender is treated as being more important than his or her work or Status as an employee;
  - (iii) It is physical, verbal or non-verbal;
  - (iv) It affects the dignity of the harassed person at work, or creates a negative or hostile environment for that person.  
And/or
  - (v) An element of coercion or abuse of power is implicit in such conduct.



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### 3. GUIDELINES TO BE FOLLOWED WHEN SEXUALLY HARASSED

- (1) Say "NO" or indicate to the perpetrator that his/her behaviour is unacceptable.
- (2) Keep notes of incidents and your responses.

Including: who was involved; what was said; how the alleged harasser responded; where or when the incident(s) took place; were there any witnesses; whether if it was a single incident; if the person knows if it has happened to others.

- (3) Report the harassment via the Union, Affirmative Action Officer, Gender Officer or Legal Division or your immediate Senior or your Director/Head of Department who shall then take appropriate measures for recourse in accordance with the provision of the Code of Conduct.

### 4. PRINCIPLES TO BE EMPLOYED WHEN INVESTIGATING SEXUAL HARASSMENT COMPLAINT

- (1) Guarantee the employee the confidentiality of his/her complaint and be sensitive about the issue. No details should be made available to any party outside of the dispute.
- (2) The complainant will be afforded protection from further harassment where possible.
- (3) Ensure a fair and sensitive procedure in accordance with the provision of the Disciplinary Procedure.

### 5. FACTORS TO BE CONSIDERED DURING AN INVESTIGATION

- (1) The personal experience and feelings of the victim.
- (2) The frequency of the conduct.





Signed at Pretoria on this day of 24/11/2003 on behalf of the CITY OF TSHWANE METROPOLITAN MUNICIPALITY.

Signature: U.M. Moko Name in full: MOTHULOE V.B.  
Capacity: GENERAL MANAGER: HR

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

WITNESS:

1. [Signature]  
2. [Signature]

Signed at Pretoria on this day of ..... 200<sup>4</sup> on behalf of the INDEPENDENT MUNICIPAL AND ALLIED TRADE UNION (IMATU).

Signature: [Signature] Name in full: JACQUES WEGEMAN  
Capacity: CHAIRPERSON

INDEPENDENT MUNICIPAL AND ALLIED TRADE UNION (IMATU).

WITNESS

1. [Signature]  
2. [Signature]

Signed at Pretoria on this day of ..... 200<sup>4</sup> on behalf of the SOUTH AFRICAN MUNICIPAL WORKERS UNION (SAMWU).

Signature: [Signature] Name in full: NOEL MBUSO MABISA  
Capacity: CHAIRPERSON

SOUTH AFRICAN MUNICIPAL WORKERS UNION (SAMWU).

WITNESS

1. [Signature]  
2. [Signature]