

# ***Abby Laboratories***

## **HARASSMENT POLICY**

This policy is based on the Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace that came into effect on 18 March 2022.

**Date of policy implementation:**

18.03.2022

**Replaces:**

The Sexual Harassment Policy based on the 2005 Code of Good Practice on the Prevention of Sexual Harassment in the Workplace

**References:**

Government Gazette Vol. 681, 18 March 2022, No. 46056 - Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace, 2022

Promotion of Equality and Prevention of Unfair Discrimination Act, 4 of 2000 (PEPUDA)

Employment Equity Act, 1998 (Act No 55 of 1998)

Labour Relations Act, 66 of 1995

Occupational Health and Safety Act. 85 of 1993

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**Introduction:**

The objective of this policy is to eliminate harassment in the work place. This policy provides appropriate procedures to deal with problems and prevent recurrences. The policy aims at developing a workplace that is free of sexual harassment where employees respect one another's integrity, dignity, privacy and right to equity in the workplace.

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**Policy Statement:**

- All employees, job applicants and other persons who have dealings with the business have the right to be treated with dignity.
  - The perpetrators and victims of harassment may include management, supervisors, employees, job applicants, volunteers, persons in training clients, suppliers, contractors and others having dealings with the Company.
  - Harassment, including acts of violence and harassment perpetuated online, will not be tolerated.
  - Harassment on a prohibited ground is a form of unfair discrimination which infringes on the rights of the complainant and constitutes a barrier to equality in the workplace.
  - Harassment related to any prohibited ground in the workplace will not be permitted, tolerated or condoned.
  - Persons who have been or are being subjected to harassment in the workplace have the right to lodge a grievance about it and appropriate action will be taken by the employer.
  - Allegations of harassment will be dealt with seriously, sensitively and confidentially.
  - Employees will be protected against victimization, and retaliation for lodging grievances and from false accusations.
  - It will be a disciplinary offence to victimize or retaliate against an employee who, in good faith, lodges a grievance of harassment, whether in respect of themselves or other employees.
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**Application:**

The perpetrators and victims of harassment may include management, supervisors, employees, job applicants, clients, suppliers, contractors and others having dealings with the Company.

A non-employee who is a victim of sexual harassment may lodge a grievance with management if the harassment has taken place in the workplace or in the course of the harasser's employment.

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**Forms of harassment:**

The following is a non-exhaustive summary of some of the conduct that may constitute harassment:

- Physical, verbal, non-verbal, psychological abuse, mobbing (harassment by a group of people), intimidation, bullying and quid pro quo (Expecting “a favour for a favour”).
  - Slander, malign and humiliate employees; behaviours including spreading rumours maliciously, withholding work-related information and/or providing incorrect information; sabotaging or impeding work performance; boycotting or excluding employees from work-related activities; passive-aggressive or covert harassment; mobbing and online harassment.
  - Racial, social and ethnic origin harassment. Racial harassment is defined as unwanted conduct that is either persistent or a single incident and that is harmful, demeaning, humiliating, or creates a hostile or intimidating environment.
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**Company steps that will be taken as soon as an incident is reported:**

The company will take the following steps:

- Investigate the complaint.
- Consult all relevant parties.
- Take the necessary steps to deal with the complaint.
- Take steps to eliminate the harassment.

The company will do the following:

- Inform the complainant of the procedures available to them to deal with the harassment (both informal and formal procedures).
  - Explain what the procedures entail and that they may choose which procedure to follow.
  - Confirm that the complainant will not face adverse consequences if they choose to follow a particular procedure.
  - Offer advice, assistance and counselling where reasonably practical to the complainant in accordance with the Code.
  - Inform the complainant that the complaint will be dealt with confidentially should they so choose.
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## **Procedures**

Informal procedure:

A complainant in a harassment matter may choose to follow either of the below informal procedures:

- If preferred an appropriate person can approach the perpetrator without revealing the identity of the complainant, and explain to the perpetrator that certain forms of conduct constitute harassment on a prohibited ground, are offensive and unwelcome, make employees feel uncomfortable, and interferes with their work.
- Or the complainant might prefer to have an opportunity where he or she can explain to the perpetrator that the behaviour directed towards them is offensive and unwelcome, that it is unsettling, uncomfortable, and interferes with their work.
- The company will consider any further steps, that can be taken to assist in dealing with the complaint and will establish if it is necessary to embark upon the formal procedure.

Formal:

A complainant in a harassment matter may choose to follow either of the below formal procedures, either with or without first following an informal procedure:

- A grievance may be lodged with a representative from Human Resources.
- If the case is not resolved satisfactorily, it will be dealt with in terms of the dispute procedures (see below).

Disciplinary Sanctions:

- Warnings may be issued for minor instances of sexual harassment
- Dismissal may ensue for continued minor instances of harassment after warnings, as well as for serious instances of harassment.

Dispute resolution:

Should a complainant of alleged harassment not be satisfactorily resolved by the internal procedures set out above, either party may within 30 days of the dispute having arisen, refer the matter to the CCMA for conciliation. Should the Dispute remain unsolved, either party may refer the dispute to the Labour court. Claims under PEPUDA may be referred to the Equality court

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#### **Additional Sick Leave:**

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

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#### **Criminal and civil charges**

A victim may bring separate civil and/or criminal charges. A victim of harassment who does not fall within the ambit of the Code may also pursue a claim in terms of, amongst other legislation, the Protection from Harassment Act 17 of 2011 and the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000. An employer also has an obligation to report criminal conduct to the relevant authorities.

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