

SEXUAL HARRASSMENT POLICY

1. INTRODUCTION

The object of this policy is to eliminate sexual harassment. It provides appropriate procedures to deal with the problem and prevent its recurrence. 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.

2. POLICY STATEMENT

All Turning Factor employees, job applicants, learners and other persons who have dealings with Turning Factor have the right to be treated with dignity.

Sexual harassment in the workplace will not be permitted or condoned.

Persons who have been or are being subjected to sexual harassment in the workplace, or in training have the right to lodge a grievance about it and appropriate action will be taken.

Allegations of sexual harassment will be dealt with seriously, expeditiously, sensitively and confidentially.

Employees and learners will be protected against victimisation, retaliation for lodging grievances and from false accusations.

3. APPLICATION

The perpetrators and victims of sexual harassment may include management, supervisors, employees, learners, job applicants, clients, suppliers, contractors and others having dealings with Turning Factor.

A non-employee such as a learner 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.

4 DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is unwanted conduct of a sexual nature. The unwanted nature of sexual harassment distinguishes it from behaviour that is welcome and mutual.

Sexual attention becomes sexual harassment if:

- o the behaviour has persisted in, although a single incident of harassment can constitute sexual harassment and/or
- o the recipient has made it clear that the behaviour is considered offensive; and/or
- o the perpetrator should have known that the behaviour is regarded as unacceptable.

| Sexual Harassment Policy | | | | | REF |
|---------------------------------|---------------------|-------------------------|-------------|--------------------------------|------------|
| Version: 1.0 | Review: 02.11.25 | Issue Date: 02.11.24 | Page 1 of 3 | Approved By: Kathryn Horton | TF16-O |

5. FORMS OF SEXUAL HARASSMENT

Sexual harassment may include unwelcome physical, verbal or non-verbal conduct, but is not limited to the following examples:

Physical conduct of a sexual nature includes all unwanted physical contact, ranging from touching to sexual assault and rape.

Verbal forms of sexual harassment include unwelcome innuendoes suggestions and hints, sexual advances, comments with sexual overtones, sex-related jokes or insults or unwelcome graphic comments about a person's body made in their presence or to them, unwelcome and inappropriate enquiries about a person's sex life, and unwelcome whistling at a person or group of persons.

Non-verbal forms of sexual harassment include unwelcome gestures, indecent exposure, and the unwelcome display of sexually explicit pictures and objects.

Quid pro quo harassment occurs where a member of management or co-employee undertakes or attempts to influence or influences the process of employment, promotion, training, discipline, dismissal, salary increments or other benefits of an employee in exchange for sexual favours.

Sexual favouritism exists where a person who is in a position of authority rewards only those who respond to his or her sexual advances, while other deserving employees who do not submit to sexual advances are denied promotions, merit rating or salary increases.

6. PRINCIPLES

Employees and learners are required to refrain from committing acts of sexual harassment.

Management, employees and learners should ensure that their conduct does not cause offence, and they should discourage unacceptable behaviour on the part of others.

7. PROCEDURES

7.1 Options

Although the process entails one of two possible options, the employee or learner should feel under no duress to accept one or the other option.

7.2 Informal procedure

The employee or learner concerned is given an opportunity to explain to the person engaging in the unwanted conduct that the behaviour in question is not welcome, that it offends them or makes them uncomfortable, and that it interferes with their work/learning.

If the informal approach does not resolve the matter satisfactorily, if the case is severe or if the conduct continues, it may be more appropriate to embark upon a formal procedure. Severe cases may include Sexual assault, rape.

7.3 Formal procedure

A grievance may be lodged with a representative from Turning Factor management, and most likely the Safeguarding lead.

| Sexual Harassment Policy | | | | | REF |
|---------------------------------|---------------------|-------------------------|-------------|--------------------------------|------------|
| Version: 1.0 | Review: 02.11.25 | Issue Date: 02.11.24 | Page 2 of 3 | Approved By: Kathryn Horton | TF16-O |

If the case is not resolved satisfactorily, it will be dealt with in terms of the dispute procedures (see below).

7.4 Investigation and disciplinary action

Care will be taken during each investigation of a sexual harassment grievance that the aggrieved person is not disadvantaged, and that the position of other parties is not prejudiced if the grievance is found to be groundless.

Serious incidents of sexual harassment or continued harassment after warnings are dismissible offences.

7.5 Criminal and civil charges

A victim of sexual assault has the right to press separate criminal and/or civil charges against an alleged perpetrator. The legal rights of the victim are in no way limited by this policy.

7.6 Dispute resolution

Should a complaint of alleged sexual 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 (Commission for Conciliation, Mediation, Arbitration), for conciliation in accordance with the provisions of section 135 of the Act. 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 in terms of section 135 (5).

8. CONFIDENTIALITY

Employers and employees must ensure that grievances about sexual harassment are investigated and handled in a manner that ensures that the identities of the persons involved are kept confidential.

In cases of sexual harassment, management, employees and the parties concerned must endeavour to ensure confidentiality at the disciplinary inquiry. Only appropriate members of management, and the aggrieved person, his or her representative, the alleged perpetrator, witnesses and an interpreter, if required, should be present at the disciplinary inquiry.

Employers are required to disclose to either party or to their representatives such information as may reasonably be necessary to enable the parties to prepare for any proceedings in terms of this policy.

9. 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 sexual harassment where the employee, on medical advice, requires trauma counselling. In the case of a learner provision will be made to allow the programme to continue at a later date, either on the same cohort or a different cohort.

| Sexual Harassment Policy | | | | | REF |
|---------------------------------|------------------|----------------------|-------------|-----------------------------|------------|
| Version: 1.0 | Review: 02.11.25 | Issue Date: 02.11.24 | Page 3 of 3 | Approved By: Kathryn Horton | TF16-O |