

## 1. Scope

This policy applies to all operations in the AFRIMAT group.

## 2. Purpose

The purpose of this policy is to provide rules and guidelines to regulate the management of sexual harassment within the company.

## 3. Application

This policy is specifically applicable to all permanent and temporary employees of the company, but the management of sexual harassment incidents may also include job applicants, clients, suppliers and contractors.

## 4. Policy

The company is committed to prevent all forms of unfair discrimination in the work place and to eliminate them should they occur. Sexual harassment is viewed as a form of unfair discrimination on the basis of sex and/ or gender and/ or sexual orientation, which infringes the rights of the complainant and constitutes a barrier to equity in the workplace.

## 5. Philosophy

The company holds to the following philosophy with regard to its approach to sexual harassment:

- A healthy environment is one in which team work and co-operation is nurtured and all employees treat each other with mutual respect, dignity and courtesy.
- A productive environment is one in which employees are able to exercise their full potential without fear of victimization, harassment or abuse.
- It is a fundamental right of all individuals to be treated with dignity and no form of sexual harassment will be permitted or condoned. Employees have the right to raise a grievance should sexual harassment occur and appropriate action will be taken by Management.

## 6. Code of Good Practice

The company expects all employees and other parties as defined in paragraph 3 to adhere to the Code of Good Practice with regard to sexual harassment.

### 6.1 Objectives of the Code

- To eliminate sexual harassment in the workplace.
- To provide appropriate procedures to deal with sexual harassment and prevent its recurrence.
- To encourage and promote behaviour which supports the creation of workplaces that are free of sexual harassment, where employees respect one another's integrity and dignity, their privacy and their right to equity in the workplace.

### 6.2 Applications of the Code

- Although this code applies to the working environment as a guide to management, employees and applicants for employment, the perpetrators and victims of sexual harassment may include others as defined in paragraph 3.
- Nothing in the above confers the authority on the company to take disciplinary action in respect of non-employees. A non-employee who is a victim of sexual harassment may

lodge a grievance with the employer of the harasser, where the harassment has taken place in the workplace or in the course of the harasser's employment.

- Where the term "employee" is used in this code, it will be deemed to include applicants for employment.

### 6.3 Definition of Sexual Harassment

Sexual harassment in the working environment is a form of unfair discrimination and is prohibited on the grounds of sex and/or gender and/or sexual orientation. (Sect 6 of the Employment Equity Act 55 of 1998 as amended)

Sexual harassment is defined as any form of unwelcome conduct of a sexual nature that violates the rights of an employee and constitutes a barrier to equity in the workplace, taking into account all of the following factors:

- whether the harassment is on the prohibited grounds of sex and/or gender and/or sexual orientation;
- whether the sexual conduct was unwelcome;
- the nature and extent of the sexual conduct; and
- the impact of the sexual harassment on the employee.

### 6.4 Factors to establish sexual harassment

- Harassment on prohibited grounds constitutes discrimination on the grounds of sex and gender. Same-sex harassment can amount to discrimination on the basis of sex and gender.
- Unwelcome conduct may be indicated by an employee in different ways including non-verbal conduct such as walking away or not responding to the perpetrator.
- Previous consensual participation in sexual conduct does not necessarily mean that the conduct continues to be welcome.
- Where a complainant has difficulty indicating to the perpetrator that the conduct is unwelcome, the complainant may seek the assistance and intervention of another person such as a co-worker, superior, counselor, human resource official, family member or friend.
- Nature and extent of the conduct in terms of this code is limited to unwelcome conduct of a sexual nature, and includes physical, verbal or non-verbal conduct.
- Physical conduct of a sexual nature includes all unwelcome physical contact, ranging from touching to sexual assault and rape and includes a strip search by or in the presence of the opposite sex.
- Verbal conduct includes unwelcome innuendos, suggestions, hints, sexual advances, comments with sexual overtones, sex-related jokes or insults, graphic comments about a person's body made in their presence or to them, inappropriate enquiries about a person's sex life, whistling of a sexual nature and the sending by electronic means or otherwise of sexually explicit text.
- Non-verbal conduct includes unwelcome gestures, indecent exposure and the display or sending by electronic means or otherwise of sexually explicit pictures or objects.
- Unwelcome sexual harassment may include but is not limited to victimization, quid pro quo harassment and sexual favouritism.
- Victimization occurs where an employee is victimized or intimidated for failing to submit to sexual advances.
- *Quid pro quo* harassment occurs where a person such as an owner, employer, supervisor, member of management or co-employee, influences or attempts to influence an employee's employment circumstances (for example engagement, promotion, training, discipline, dismissal, salary increments or other benefits) by coercing or attempting to coerce an employee to surrender to sexual advances. This could include

sexual favoritism, which occurs where a person in authority in the workplace rewards only those who respond to his or her sexual advances.

- A single incident of unwelcome sexual conduct may constitute sexual harassment.
- Impact of the conduct: The conduct should constitute an impairment of the employee's dignity, taking into account the circumstances of the employee, and the respective positions of the employee and the perpetrator in the workplace.

#### 6.5 Guiding principles of the code

Management should create and maintain a working environment in which the dignity of employees is respected and victims of sexual harassment will not feel that their grievances are ignored or trivialized or fear reprisals.

*The following guidelines must be followed towards achieving these ends:*

- All employees are required to refrain from committing acts of sexual harassment.
- Employees at all levels have a role to play in contributing towards creating and maintaining a working environment in which sexual harassment is unacceptable.
- Employees must ensure that their standards of conduct do not cause offence and must discourage unacceptable behaviour on the part of others.
- Management should attempt to ensure that persons such as customers, suppliers, job applicants and others who have dealings with the company are not subjected to sexual harassment by Management or its employees.
- Management must take appropriate action in accordance with this code where instances of sexual harassment occur in the working environment.

#### 6.6 Procedures to be followed

- Any form of sexual harassment must immediately be brought to the attention of Management by the complainant or any other person aware of the sexual harassment, for example a friend, colleague or Human Resources official acting on the request of the complainant.
- When sexual harassment has been brought to the attention of Management, Management will:
  - consult all relevant parties;
  - take the necessary steps to address the complaint in accordance with this code;
  - take the necessary steps to eliminate the sexual harassment.
- The steps to be taken by Management on receipt of a complaint by an employee must at least include the following:
  - Advise the complainant of the informal and formal procedures available to deal with the sexual harassment.
  - Offer the complainant advice, assistance and counseling, including during any disciplinary enquiry that may be instituted;
  - Follow the formal procedures, if so chosen by the complainant in a manner that is procedurally and substantively fair.
- Informal Procedures may include any of the following:
  - The complainant, or another appropriate person, explains to the perpetrator that the conduct in question is not welcome, that it offends the complainant, makes him or her feel uncomfortable and that it interferes with his or her work; or
  - An appropriate person approaches the perpetrator, without revealing the identity of the complainant, and explains to the perpetrator that certain forms of conduct

constitute sexual harassment, are offensive and unwelcome, make employees feel uncomfortable, and interfere with their work.

• *Formal Procedures may be followed as set out below:*

- A complainant may choose to follow a formal procedure, either with or without first following an informal procedure.
- Should a complainant choose not to follow a formal procedure, Management should still assess the risk to other persons in the workplace where formal steps have not been taken against the perpetrator. Management may follow a formal procedure, irrespective of the wishes of the complainant, and advise the complainant accordingly. Management may decide in appropriate cases to use the disciplinary procedure to deal with the matter.
- The formal procedure for the complainant to follow is the Grievance Procedure.

**Approved by:**

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