

Document: Harassment policy

Contents

1. Purpose
2. Application
3. Guiding Principles
4. Harassment
5. Forms of Harassment
6. Where can Harassment take place
7. Sexual Harassment
8. Racial, Ethnic or Social Origin Harassment
9. Retaliation/ Victimisation
10. Reporting Harassment
11. Informal Procedure to deal with Harassment
12. Formal Procedure to deal with Harassment
13. Confidentiality
14. Additional Sick Leave and Assistance
15. Disciplinary Sanctions
16. Frivolous Objections and False Information
17. Responsibility
18. References

1. Purpose

- 1.1 The purpose of this policy is to eliminate all forms of harassment in the workplace and any activity linked to or arising out of work.
- 1.2 This policy will further provide for a work environment in which harassment is unacceptable and in which the dignity and respect towards everyone in his/her dealings with the company both on and away from company premises is always upheld.

2. Application

- 2.1 This policy applies to all employees of Pick n Pay Retail as well as applicants for employment.
- 2.2 Perpetrators and victims of harassment may be persons other than employers, employees and applicants for employment, it may include owners, managers, job applicants, interns, apprentices, supervisors, volunteers, clients, customers, suppliers, contractors and any other persons having dealings with Pick n Pay.
- 2.3 Harassment also applies to any situation in which the employee is working, or which is related to their work.

3. Guiding Principles

- 3.1 Harassment including acts of violence will not be tolerated in the workplace.
- 3.2 Harassment against employees in the workplace is an abuse of power.
- 3.3 Harassment on a prohibited ground is a form of unfair discrimination which infringes the rights of the complainant and constitutes a barrier to equity in the workplace.
- 3.4 Harassment related to any ground in the workplace will not be permitted, tolerated and condoned.
- 3.5 Pick n Pay has an attitude of zero-tolerance towards harassment and it endeavours to create and maintain a working environment in which the dignity of employees is respected.
- 3.6 Pick n Pay and all its employees/trade unions have a role to play in contributing towards creating and maintaining a working environment in which harassment is unacceptable. They should ensure that their standards of conduct do not cause offence and they should discourage unacceptable behaviour on the part of others.

4. Harassment

4.1 Harassment' is "generally understood to be":

- 4.1.1 unwanted conduct, which impairs dignity,
- 4.1.2 creates a hostile or intimidating work environment for one or more employees or is calculated to, or has the effect of, inducing submission by actual or threatened adverse consequences; and
- 4.1.3 is related to one or more grounds in respect of which discrimination is prohibited in terms of section 6(1) of the Employment Equity Act 55 of 1998 (EEA).
- 4.1.4 It may also be possible for a person who has been harassed to establish that the conduct was a result of an arbitrary ground, as contemplated by section 6(1) of the EEA.
- 4.1.5 Harassment includes violence, physical abuse, psychological abuse, emotional abuse, sexual abuse, gender-based abuse and racial abuse. It includes the use of physical force or power, whether threatened or actual, against another person or against a group or community.

4.2 Harassment also includes the following:

4.2.1 Unwelcome conduct:

- 4.2.2 The act of harassment must be unacceptable and unwanted. The conduct may be verbal or non-verbal or directly and non-directly.

- 4.2.3 In evaluating whether the conduct was unwanted/unwelcome the issue that arises is whether the complainant communicated to the harasser that the conduct is unwelcome. If there was no such communication it is important to establish if the harasser ought to have known that such conduct is unwelcome.
- 4.2.4 While violent conduct may amount to harassment, harassment may occur as a result of non-violent conduct. Certain acts of harassment may be criminal offences and the employer may be under obligation to report such to the police.
- 4.2.5 An objective test from the perspective of the complainant is used to determine if the conduct constitutes harassment. Where the perception of the complainant is not consistent with “reasonable person’s test” in the situation of the complainant, the company may seek to establish that the complainant’s perceptions are not consistent with societal values reflective of our constitutional ethos.
- 4.3 Repeated or serious conduct:**
- 4.3.1 Harassment may also occur as a result of a pattern of persistent conduct or single or instance. In a case of single instance, harassment will be present if the conduct is of serious nature. Whether a single instance of the conduct will be sufficiently serious to constitute harassment must be determined in the light of the event that is the subject of the employee.
- 4.3.2 Harassment, in particular bullying, may be an escalating process in the course of employment in which the complainant ends up in an inferior position and becomes the target of systematic negative social acts.
- 4.3.3 It is necessary to establish the state of mind/intention of the harasser in order to prove harassment for the purpose of EEA. The fact that the conduct was intended to offend the complainant/s may be an aggravating factor relevant to determine a remedy for the complainant. The intention of the harasser may also be relevant to disciplinary proceedings. The following factors may be relevant to the issue whether harassment has occurred:
- 4.3.3.1 the context of harassment;
 - 4.3.3.2 the circumstances of the complainant and the impact the conduct has had on the employee;
and
 - 4.3.3.3 the respective position of the harasser and the employee.
- 4.4 Hostile work Environment:**
- 4.4.1 A hostile work environment will be present where conduct related to prohibited grounds impacts on the dignity of one or more employees.
- 4.4.2 Hostile environment will be present if the conduct has a negative impact on the employee’s ability to work and/or on their personal wellbeing. This may be the result of a conduct of a person in authority such as managers and supervisors or the conduct of another employee.
- 4.4.3 This may also be present where an employer should anticipate that employees will be subjected to abusive conduct related to a prohibited ground by members of the public, customers or clients and fails to take reasonable steps to protect employees from such conduct.
- 4.4.4 In order to establish the existence of a hostile environment, it is not necessary to show that the complainant/s have not received a particular benefit.
- 4.4.5 Harassment is direct where it is aimed at the complainant through violent or abusive language which is directed at the complainant. Harassment may occur indirectly where the conduct, even though not directed at the complainant, has the effect of undermining the dignity or threatening safety.

5. Forms of Harassment

- 5.1 Harassment may be the result of physical, verbal or psychological conduct.
- 5.2 Physical harassment includes physical attacks, simulated or threatened violence, or gestures (such as raising a fist as if to strike a person or throwing objects near a person).
- 5.3 Verbal bullying including threats, shaming, hostile teasing, insults, constant negative judgement and criticism, or racist, sexist, or LGBTQIA + PHOBIC (**Lesbian, Gay, Bisexual, Transgender, Queer or Questioning, Intersex, Asexual or Ally**) language.
- 5.4 Psychological harassment associated with emotional abuse and involves behaviour that has serious negative psychological consequences for the complaints such as bullying and mobbing.
- 5.6 Bullying is where harassment involves the abuse of coercive power by an individual or group of individuals in the workplace. Intimidation – intentional behaviour that would cause a person of ordinary sensibilities to fear injury or harm or discomfort.
- 5.7 “Vertical” or “Horizontal” Harassment. Vertical harassment involves the use of formal power (i.e. title, position, or supervisory control) or material leverage (i.e. financial, informational, resource or legal) to intimidate, threaten, harass, or harm an employee or to dominate and control the complainant.
 - 5.7.1 Vertical harassment refers to harassment between the employer/manager and employee.
 - 5.7.2 Horizontal harassment refers harassment between employees in the same position or on the same level.
- 5.8 Mobbing is a form of harassment by a group of people targeted at one or more individuals.
- 5.9 Passive-aggressive or covert harassment may include negative gossip, negative joking at someone’s expense, sarcasm, condescending eye contact, facial expression, or gestures, mimicking to ridicule, deliberately sabotaging someone’s dignity, well- being, happiness, success and career performances.
- 5.10 Online harassment is harassment which is committed, assisted, or aggravated in part or fully, by the use of information and communications technology such as mobile phones, smart phones, the Internet, social media platforms or email. Bullying when conducted online is referred to as a cyber-bullying.
- 5.11 **Examples of harassment include the following but are not limited to:**
 - 5.11.1 slandering or maligning an employee or spreading rumours maliciously;
 - 5.11.2 conduct which humiliates, insults or demeans an employee;
 - 5.11.3 withholding work-related information or supplying incorrect information;
 - 5.11.4 sabotaging or impeding the performance of work;
 - 5.11.5 ostracising, boycotting or excluding the employee from work or work- related activities;
 - 5.11.6 persecution such as threats, and the inspiration of fear and degradation;
 - 5.11.7 intolerance of psychological, medical, disability or personal circumstances;
 - 5.11.8 surveillance of an employee without their knowledge and with harmful intent;
 - 5.11.9 use of disciplinary or administrative sanctions without objective cause, explanation, or efforts to problem solving
 - 5.11.10 demotion without justification;
 - 5.11.11 abuse, or selective use of, disciplinary proceedings;
 - 5.11.12 pressuring an employee to engage in illegal activities or not to exercise legal rights; or
 - 5.11.13 pressuring an employee to resign.

6. Where can Harassment take place?

- 6.1 Harassment does not only occur when employees are on-duty at the physical workplace or which is related to work, it includes but not limited to:
 - 6.1.1 work-related trips, travel, training or social activities and events;

- 6.1.2 places where the employee is paid, takes a rest or meal, or uses sanitary, washing or changing, and medical facilities;
- 6.1.3 work-related communications, including those enabled by information and communication technologies and internet-based platforms;
- 6.1.4 when commuting to and from work in transport provided by the employer or the location of employees who are required to work virtually, amongst others;
- 6.1.5 the workplace which includes both public and private spaces in which people perform their work; and
- 6.1.6 in the case of employees who work from home, or any place other than the employer's premises, the location where they are working constitutes a workplace

7. Sexual Harassment

- 7.1 Sexual harassment is an unwelcome conduct of sexual nature whether direct or indirect, that the harasser/perpetrator knows or ought to have known that it is unwelcome.
- 7.2 It is a form of unfair discrimination and is prohibited on the grounds of sex, gender or sexual orientation. Same-sex harassment can amount to discrimination based on sex, gender, sexual orientation and gender-based harassment.
- 7.3 Sexual harassment is unwelcome conduct of a sexual nature, whether direct or indirect, that the perpetrator knows or ought to know is not welcome. Sexual harassment may be offensive to the complainant, make the complainant feel uncomfortable or cause harm or inspire the reasonable belief that the complainant may be harmed. Sexual harassment may interfere with the work of the complainant although it need not necessarily do so. Sexual harassment violates the rights of an employee and constitutes a barrier to equality in the workplace.

7.4 Factors to Establish Sexual Harassment

7.4.1 Unwanted Conduct

- 7.4.1.1 There are different ways in which an employee may indicate that sexual conduct is unwanted, including non-verbal conduct such as walking away or not responding to perpetrator.
- 7.4.1.2 Previous consensual participation in sexual conduct does not necessarily mean that the conduct continues to be acceptable to the employee.
- 7.4.1.3 Where the complainant has difficulty indicating to the perpetrator that the conduct is unwanted, 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.
- 7.4.1.4 The fact that the complainant does not indicate that the conduct is unwanted does not entail that there has not been sexual harassment, if the conduct is such that the harasser/ perpetrator ought to have known it could be regarded as unwanted.

7.5 The Nature and the extent of sexual harassment:

- 7.5.1 The unwanted conduct must be of a sexual nature and includes physical, verbal, or non-verbal conduct, whether expressed directly or indirectly. Conduct amounting to sexual harassment may include;
- 7.5.2 Physical conduct of a sexual nature ranging from touching, kissing to sexual assault and rape;
- 7.5.3 Strip searching, including by a person of the same sex in the presence of the opposite, or without appropriate privacy;
- 7.5.4 following, watching perusing or accosting of an employee;
- 7.5.5 sexual attention, advances, or proposal, or other behaviour whether explicit, including suggestions, messages, advances, attention or proposal of sexual nature;

- 7.5.6 implied or expressed threats of reprisal or actual reprisal to comply with sexual oriented request, advances, attention;
 - 7.5.7 verbal conduct such as innuendos, suggestion, hints, sexual advances, comments with sexual advances, comments with sexual overtones, sex related jokes or insults, graphic comments about a person's body, inappropriate enquiries about a person's sex life, whistling of sexual nature and sending by electronic means or otherwise of sexually explicit text; and
 - 7.5.8 non-verbal conduct such as unwelcome gestures, indecent exposure and display or sending by electronic means or otherwise of sexually explicit pictures or objects.
- 7.6 **Sexual harassment may also include but not limited to the following:**
- 7.6.1 Victimisation which occurs where an employee is victimised or intimidated for failing to submit sexual advances, attention or proposal or for complaining about gender-sensitive conduct.
 - 7.6.2 *Quid pro quo* harassment occurs where a person, manager or co-employee, influences or attempts to influence an employee's employment circumstances by coercing an employee to surrender to sexual advances (e.g. promotion, salary increase, dismissal or other benefits).
 - 7.6.3 Sexual favouritism is a form of *quid pro quo* harassment, which occurs where a person in authority at workplace seeks to utilise this power to reward those who respond to his/her sexual favours.
- 7.7 A single incident of sexual harassment conduct may constitute sexual harassment.
- 7.8 **Impact of Sexual Harassment**
- 7.8.1 The conduct should constitute impairment of the complainant's dignity, considering the complainant's circumstances and the respective positions of both the employee and the accused employee.
- 7.9 **The following should be established for sexual harassment to take place (Test for sexual harassment)**
- 7.9.1 whether the harassment is on the prohibited grounds of sex and/or gender and/or sexual orientation;
 - 7.9.2 whether the sexual conduct was unwanted or unacceptable;
 - 7.9.3 the nature and extent of the sexual conduct; and
 - 7.9.4 the impact of the sexual conduct on the employee.
- 7.10 Previous consensual participation in sexual conduct does not necessarily mean that the conduct is acceptable to the other colleague employee.
- 7.11 Where the complainant is uncomfortable to indicate to the harasser, such complainant can seek the intervention of a co-worker, superior, a friend or family member.
- 7.12 The fact the complainant does not indicate that the conduct is unwanted does not entail that there has not been sexual harassment, if the conduct is such that the harasser ought to have known it could be regarded as unwanted.

8. Racial, Ethnic or Social Origin Harassment

- 8.1 Racial harassment is a form of unfair discrimination, it's an unwanted conduct which can be persistent or a single incident that is harmful, demanding, impairs the dignity of others, humiliating or creates a hostile or intimidating environment. Conduct that is calculated to induce submission by actual or threatened adverse consequences constitutes harassment although this is not an essential element of its definition.
- 8.2 It is related to a person's membership or presumed membership of a group identified by one or more of the listed prohibited grounds in terms of Employment Equity Act or characteristics associated with such group. Racist conduct, including derogatory language, is contrary to the founding principles of the Constitution, in particular the values of non-racialism, dignity, and equality.

- 8.2.1 It includes direct or indirect behaviour which includes matters such as racist verbal and non-verbal conduct, remarks, abusive language, racist name calling, offensive behaviour gestures and racist cartoons, memes, or suggestion.
- 8.2.2 Racial harassment occurs where a person is subjected to conduct based on race which undermines their dignity or which creates an intimidating, hostile or humiliating working environment for the recipient.
- 8.2.3 To establish harassment based on race or ethnic or social origin, it has to be established on a balance of probabilities that the conduct complained of was related to race, ethnic or social origin, or a characteristic associated, or assumed to be associated with such group.
- 8.3 **The forms of racial harassment may include:**
 - 8.3.1 Abusive language and racist jokes, cartoons, or memes, including communications that amount to hate speech;
 - 8.3.2 Racially offensive written or visual material, including on-line harassment;
 - 8.3.3 Racist name calling or negative stereotyping impacting on a person's dignity;
 - 8.3.4 Offensive behaviours in the form of open hostility to persons of a specific racial or ethnic group;
 - 8.3.5 Subtle or blatant exclusion from workplace interaction and activities and other forms of marginalisation; and
 - 8.3.6 Threatening behaviour, in which intimidates a person or creates a hostile work environment.
- 8.4 **The following should be established for Racial Harassment to occur:**
 - 8.4.1 The conduct must be abusive;
 - 8.4.2 It must impair the dignity of the complainant/s;
 - 8.4.3 the conduct must be directed to an employee/s;
 - 8.4.4 the extent of the abuse or impairment to a person's dignity; and
 - 8.4.5 the impact of the conduct
- 8.5 **The test to be applied includes:**
 - 8.5.1 Racial Harassment must be assessed objectively with reference to the reaction of a normal or reasonable person in keeping with the value underlying the constitutional order.
 - 8.5.2 To establish harassment based on race or ethnic or social origin, it has to be established on a balance of probabilities that the conduct complained of was related to race, ethnic or social origin, or a characteristic associated, or assumed to be associated with such group. The perpetrator would have spoken the words or behaved in the manner complained of towards the complainant.
 - 8.5.3 Explicit racial conduct is assumed to be unwanted conduct. A relevant factor would be how the alleged perpetrator treats other persons not of the complainant's racial group or ethnic or social origin.
- 8.6 Whether language or conduct amounts to harassment depends on the circumstances of the incidence, including-
 - 8.6.1 whether the conduct was persistent or harmful,
 - 8.6.2 demeaning, imparting dignity, humiliating, or creating a hostile or intimidating environment; or
 - 8.6.3 was calculated to induce submission by actual or threatened adverse consequences; and
 - 8.6.4 whether the language and conduct are insulting, abusive and/or derogatory.

9. Retaliation /Victimisation

- 9.1 It is an offence to retaliate or victimise in any form against the employee reporting in good faith the harassment, the witnesses to the harassment, and the person reporting the incident(s) on behalf of the aggrieved employee.

10. Reporting Harassment

10.1 The Company is under an obligation to take proactive and remedial steps to prevent all forms of harassment in the workplace. This includes an assessment of the risk of harassment that employees are exposed to while performing their duties as far as reasonably practicable.

10.2 Harassment can be reported by using any one of the following options:

- 10.2.1 any other person from inside or outside the company can approach management in instances where the aggrieved finds it difficult to do so;
- 10.2.2 any person aware of the harassment acting on the request of the complainant, for example a trade union/employee representative, friend, colleague, or human resource official, etc.
- 10.2.3 anybody who knows about the harassment can approach management; and the relative positions of the complainant and the alleged perpetrator in the workplace.
- 10.2.4 The Company must take into account that in many cases, particularly with regard to sexual harassment, an employee may not raise a harassment-related grievance immediately because of factors such as fear of reprisals and the relative positions of the complainant and the alleged perpetrator in the workplace.
- 10.2.5 This can be done verbally, in writing or by lodging a complaint which would lead to investigation as per the Disciplinary Procedure.

10.3 The Company will take the following steps on receipt of a complaint:

- 10.3.1 advise the complainant of the informal and formal procedures available to deal with harassment, and that the complainant may choose which procedure to follow;
- 10.3.2 advise the complainant that the matter will be dealt with confidentially;
- 10.3.3 assure the complainant that an employee will not face job loss or any adverse consequences if an employee chooses to follow either the formal or informal procedure;
- 10.3.4 where reasonably practicable, offer the complainant advice, assistance and counselling; including during any disciplinary enquiry that may be instituted;
- 10.3.5 advise the complainant whether it may be appropriate to lay a criminal charge or to obtain a protection order; and
- 10.3.6 advise the complainant that they may choose which procedure should the company follow, except that in certain circumstances, as set out in the Code, the employer may choose to follow a formal procedure even if the complainant does not wish to do so.
- 10.3.7 follow the procedures, as set out in this policy, in a manner that is procedurally and substantively fair.

10.4 Obligation of the Company

- 10.4.1 The company is obligated to thoroughly investigate each complaint under the guidance of the Human Resources Manager/Employee Relations National / Regional Manager of the operating region or Senior Manager / HOD, together with the Operating Health Practitioner.
- 10.4.2 This also applies to incidents that are not reported to management but are noticed by management wherever and in whatever way.
- 10.4.3 Consult all relevant parties to the investigation.
- 10.4.4 Once the complaint is lodged, investigation should be concluded within five days after the day it was reported.
- 10.4.5 A thorough investigation will ensue whenever an incident of harassment becomes known to management irrespective of any complaint or grievance.
- 10.4.6 The outcome of the investigation and the outcome of further action as per the company's disciplinary procedure if applicable, shall be communicated to the aggrieved employee.

- 10.4.7 The views of the complainant about the perpetrator will not in itself determine the course of the investigation and are also not sufficient for determining the nature and the outcome of disciplinary proceedings.
- 10.4.8 The company also undertakes to handle harassment cases in a manner that ensures that the person/s involved are protected by keeping their identities confidential as far as is reasonably possible.
- 10.4.9 Complaints about harassment not made in good faith - i.e. frivolous, dishonest, unfounded and/or malicious as per outcome of investigations - are treated in terms of the company's disciplinary procedure.

11. Informal Procedure to deal with Harassment

- 11.1 A complainant may choose to follow either following informal procedure:
 - 11.1.1 the complainant or another appropriate person should explain to the perpetrator that the conduct in question is not welcome, that it is related to a prohibited ground and its impact on the complainant, for example, that it makes the person feel uncomfortable and that it interferes with their work; or
 - 11.1.2 an appropriate person may 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
 - 11.1.3 The Company should consider any further steps, which can be taken to assist in dealing with the complaint.
 - 11.1.4 In an event the employee chooses not to follow a formal procedure, the Company should still assess the risk to the person in workplace where formal steps are not yet taken to the perpetrator. The company must consider all relevant factors including severity of harassment and whether perpetrator has a history of harassment. If the investigation indicates significant risk of harm to other persons at the work place, the employer must follow a formal procedure, irrespective of the wishes of the complainant and the complainant will be advised respectively.

12. Formal Procedure to deal with Harassment

- 12.1 A complainant may choose to follow a formal procedure, either with or without first following an informal procedure.
- 12.2 Should the complainant choose that a formal procedure must be followed the Company will take the following steps:
 - 12.2.1 a written grievance must be lodged with a member of management and/or human resource business partner, taking into consideration the position of the perpetrator;
 - 12.2.2 the company must complete its investigation into the complaint of alleged harassment within five (5) days from the date that the complaint has been lodged;
 - 12.2.3 the company undertakes to thoroughly investigate each complaint under the guidance of a Human Resource Manager, and/or the Company's Employee Relations Department, and/or Regional Manager of the Operating Region or Senior Manager, together with the Occupational Health Practitioner of the relevant operating region;
 - 12.2.4 the outcome of the investigation and the outcome of further action as per the company's disciplinary procedure, if applicable, shall be communicated to the aggrieved employee;
 - 12.2.5 disciplinary action will be taken depending on the outcome of the investigation and will proceed in accordance with the Company's disciplinary procedure.
- 12.3 Should the matter not be satisfactorily resolved by the internal procedures outlined above, a complainant of harassment may refer the dispute to the Commission for Conciliation, Mediation and Arbitration ("CCMA") for conciliation, and if not resolved, to the CCMA or Labour Court for adjudication, as provided for in section 10 of the EEA or any other laws which places obligations in the Company to prevent harassment in the workplace.

13. Confidentiality

- 13.1 The Company and Employees must ensure that grievances about harassment are investigated and handled in a manner that ensures that the identities of the persons involved are kept confidential for the purpose of protecting the confidentiality of all parties involved.
- 13.2 All internal and external communications related to an incident of harassment should be treated as confidential.
- 13.3 Considerations of confidentiality do not preclude an employer from taking appropriate steps to protect the safety and dignity of employees, either during the conduct of the investigation or subsequently.
- 13.4 In cases of sexual harassment, management, employees, and parties concerned must endeavor to ensure confidentiality in the disciplinary enquiry. Only management designated to handling disciplinary cases as well as the aggrieved person, representatives, the alleged perpetrator, witnesses when giving evidence and an interpreter, if required, should be present in the enquiry.
- 13.5 The Company is required to disclose to the complainant, the perpetrator, and /or their representatives, all relevant information as may be reasonably necessary to enable the parties to prepare for any proceedings in terms of this code.

14. Additional Sick Leave and Assistance

- 14.1 Where an employee's existing sick leave entitlement has been exhausted, the Company will give due consideration to the granting of additional paid sick leave in cases of serious harassment, where the employee, on medical advice, require trauma counselling. Where appropriate, the company may provide assistance with trauma counselling and medical expenses.
- 14.2 If harassment results in an employee being ill for longer than two weeks, the employee may be entitled to claim illness benefits in terms of section 20 of the Unemployment Insurance Act, 2001.
- 14.3 In appropriate circumstances, employers may give consideration to assisting with the cost of the medical advice and trauma counselling and care, where such amounts are not covered by any applicable medical aid scheme.

15. Disciplinary Sanctions

- 15.1 The Company has at its disposal, a range of disciplinary sanctions that may be imposed on the perpetrator. The sanctions must be proportionate to the seriousness of the harassment in question, and provide for the following:
 - 15.1.1 warnings may be issued for minor instances of harassment. A warning issued to a perpetrator will describe the essence of the discriminatory misconduct;
 - 15.1.2 dismissal may ensue for continued minor instances of harassment after warnings, as well as for serious instances of harassment;
 - 15.1.3 in appropriate circumstances upon being found guilty of harassment, a perpetrator may be transferred within the workplace or to another workplace within the Company; and
 - 15.1.4 a complainant about harassment has the right to lay a criminal charge or institute civil proceedings against the alleged perpetrator.

16. Frivolous Objections and False Information

- 16.1 Complaints about sexual harassment not made in good faith - i.e. frivolous, dishonest, unfounded and/or malicious as per outcome of investigations - will be dealt with in terms of the company's Disciplinary Procedure.

17. Responsibility

Head of Employee Relations is responsible for the update of the Policy.

18. References

- Disciplinary Procedure
- Employment Equity Act, 1998 (ACT 55 11998 AS AMENDED)
- Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace 18 March 2022

----- **End** -----