**36/1/4/1 (201800084)**

**NATIONAL ASSEMBLY**

**FOR WRITTEN REPLY**

**QUESTION 722**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 9 MARCH 2018**

**(INTERNAL QUESTION PAPER NO 6-2018)**

**722. Mr M W Rabotapi (DA) to ask the Minister of Police:**

(1) Whether his department has a sexual harassment and assault policy in place; if not, (a) why not and (b) by what date will his department have such a policy in place; if so, (i) how are reports investigated and (ii) what are the details of the consequence management and sanctions stipulated by the policy;

(2) (a) what is the total number of incidents of sexual harassment and assault that have been reported in his department (i) in each of the past three financial years and (ii) since 1 April 2017, (b) what number of cases were (i) opened and concluded, (ii) withdrawn and (iii) remain open based on the incidents and (c) what sanctions were issued for each person who was found to have been guilty? · NW796E

**REPLY:**

(1)(a)(b) Yes, the South African Police Service (SAPS) does have a Sexual Harassment Policy ln place. However, the SAPS does not have an assault policy. In terms of the SAPS Discipline Regulations, 2016, Regulation 5(3)(x), an employee will be guilty of a misconduct if he or she assaults, or threatens to assault any other employee. In terms of the SAPS Discipline Regulations, 2016, an employee will be guilty of misconduct if he or she commits an act of sexual harassment. In the SAPS Discipline Regulations, 2016, sexual harassment falls under serious misconduct, which must be dealt with, in terms of the "expeditious process", which allows for the immediate dismissal of a member.

(1)(b)(i) In terms of the current SAPS Discipline Regulations, 2016, reports of sexual harassment and assault are investigated by invoking the provisions of Regulation 8(1), which stipulates that a supervisor must complete an investigation into the allegations of misconduct, within 30 calendar days, or as soon as practically possible, thereafter. If the supervisor is satisfied that the alleged misconduct is of a serious nature and justifies the holding of a disciplinary hearing, he or she will refer the outcome of the investigation to the employer representative, within seven working days, to initiate a disciplinary enquiry. The employee must be informed of the alleged misconduct and pending investigation.

**Find here:** [**(1)(b)(ii)**](RNW722reply)