**QUESTION FOR WRITTEN REPLY**

**QUESTION NO.: 723**

**DATE OF PUBLICATION: 09 March 2018**

**723.     Mr M W Rabotapi (DA) to ask the Minister of Public Enterprises:**

(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past three financial years and (ii) since 1 April 2017, (b) what number of cases were (i) opened and concluded, (ii) withdrawn and (iii) remain open based on the incidents and (c) what sanctions were issued for each person who was found to have been guilty?

**REPLY**

1. (a). Yes, the department does have a Sexual Harassment Policy in place.

(i) In terms of section 4 of the Departmental Sexual Harassment Policy, the victim is first assisted to determine if any medical or psycho-social intervention is required, wherein after the Director Employee Health and Wellness / Labour Relations assists the victim to compile a written report of an incident, which is then filed at Human Resources either through a formal grievance or through request to initiate a disciplinary investigation into the allegations.

Based hereon, a briefing memorandum is prepared for the attention of the Head of Department to determine whether a precautionary suspension will be required and for the appointment of an independent investigator.

An independent investigator will either be sourced from another

Government department or through the Supply Chain Management

process, to provide an investigation report . Based on the outcome

thereof the due-processes as outline in PSCBC Resolution 1 of

2003 or Chapter 7 of the SMS Handbook regulating discipline are

followed.

The victims’ rights in terms of criminal and civil remedies are also

explained to him or her and are not in any way curtailed or limited

by the departmental policy.

(ii) Regarding consequence management and the determination of an appropriate sanction, the department subscribes to Section 7.14 of the DPSA’s Labour Relations Sanctioning Guidelines for Public Service, which is dismissal if found guilty.

2. (a). (i) 2015/2016 – No cases.

2016/2017 - No cases

2017/2018 - No cases

(ii) As at 1 April 2017 – No cases.

(b) (i) No cases opened,

(ii) No cases withdrawn,

(ii) No cases remain opened

(c) There were no incidents reported therefore no sanctions against anyone.