

**MINISTRY**

**PUBLIC WORKS**

**REPUBLI OF SOUTH AFRICA**

Department of Public Works l Central Government Offices l 256 Madiba Street l Pretoria l Contact: +27 (0)12 406 2034 l +27 (0)12 406 1224

Private Bag X9155 l CAPE TOWN, 8001 l RSA 4th Floor Parliament Building l 120 Plain Street l CAPE TOWN l Tel: +27 468 6900 Fax: +27 21 462 4592

[www.publicworks.gov.za](http://www.publicworks.gov.za)

**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION NUMBER: 1934 [NW2091E]**

**INTERNAL QUESTION PAPER NO.: No. 20 of 2018**

**DATE OF PUBLICATION: 08 JUNE 2018**

**DATE OF REPLY: 02 JULY 2018**

**1934. Ms L Mathys (EFF) asked the Minister of Public Works:**

(1) What (a) is the total number of incidents of sexual harassment that were reported to the human resources offices of entities reporting to him in (i) 2016 and (ii) 2017 and (b) are the details of each incident that took place;

(2) was each incident investigated; if not, why not in each case; if so, what were the outcomes of the investigation in each case? **NW2091E**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**The Minister of Public Works**

**REPLY:**

**QUESTION (1)**

What is the total number of incidents of sexual harassment that were reported to the human resources offices of entities reporting to him in;

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **QUESTION (1)** | **Agrément South Africa (ASA)** | **Council for the Built Environment (CBE)** | **Construction Industry Development Board (CIDB)** | **Independent Development Trust (IDT)** |
| 1. **(i)**   **2016** | None | None | None | None |
| 1. **(ii)**   **2017** | None | None | One | One |
| **(b)**  **What are the details of each incident that took place?** | Not applicable | Not applicable | There was a sexual harassment incident wherein a male security officer made allegations against a female employee of CIDB at one of the Provincial Offices. This allegation was not brought to the attention of Human Resources office and the Provincial Manager, but it came about in March 2017 during an investigation on a different matter and upon further engagement with the accuser, he decided not to proceed any further with the allegation. | The employee (applicant) had alleged that her male colleague had acted inappropriately when he embraced her, and regarded it as an unwelcomed gesture. The matter was dealt with through internal process and the Commission for Conciliation, Mediation and Arbitration (CCMA) as explained in (2), below. |

**QUESTION (2)**

Was each incident investigated; if not, why not in each case; if so, what were the outcomes of the investigation in each case?

|  |  |  |  |
| --- | --- | --- | --- |
| **ASA** | **CBE** | **CIDB** | **IDT** |
| Not Applicable |  | Yes, although the employee had decided not to proceed with the claim, CIDB nonetheless appointed an independent investigator to gather all facts and advice management of the most appropriate action to take. Furthermore, CIDB wanted to afford the accused employee the right of response. CIDB would have liked to finalise this matter as timeously as possible had it not been for the prolonged absence due to illness of the accuser. CIDB expects the final report on this matter before the end of July 2018. | The above-mentioned incident was investigated by the IDT. However, during the investigation the temporary employment contract of the alleged victim came to an end. As a result, the matter was then referred to the CMA because the applicant was no longer an employee of the organisation. In the evidence provided by the alleged perpetrator there was seemingly a misunderstanding of his gesture by the applicant. According to the alleged perpetrator he had got to know that the applicant carried a similar surname to that of his mother and thus, as is normally done in most African cultures, he interpreted it that she was part of his clan or extended relatives. He therefore approached the applicant whilst reciting the clan’s praise names and welcomed her with an embrace. This gesture was unfortunately construed by the applicant as inappropriate and the alleged perpetrator apologised. It was management’s understanding that the matter was resolved when the apology was made. However, when the matter was brought back by the applicant through the CCMA the IDT participated fully in that process with a view to resolve it amicably. Through the counsel of the Commissioner at the CCMA, the parties entered into a settlement agreement where the IDT was directed to pay 6 months’ equivalent of the applicant’s monthly salary. The fact that the alleged perpetrator had taken responsibility, the IDT ordered him pay half of the total 6 months’ pay, while the IDT committed to pay the other portion of the settlement agreement. |