###### National Assembly

###### Question Number: 1941

**Ms N Nolutshungu (EFF) to ask the Minister of Transport:**

(1) What (a) is the total number of incidents of sexual harassment that were reported to the human resources offices of (i) his department and (ii) entities reporting to him in (aa) 2016 and (bb) 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?

**NW2098E**

**REPLY:**

**1. Department**

(1)(a) There was no incident of sexual harassment that were reported in the Department

(aa) (bb) (b) Falls away

**2. Airports Company South Africa SOC Limited (ACSA)**

Three cases of sexual harassment were reported during the **2016/2017** Financial Year

(1)

|  |  |  |  |
| --- | --- | --- | --- |
| **Worksite** | **No : of Incidents** | **Reported to HR** | **Details of Incident** |
| OR  Tambo | 1 | Yes | On the 15 February 2017, a Fire Fighter at Cape Town International Airport touched a female colleague inappropriately on her breast whilst he was told to stop his behaviour |
| Kimberly | 1 | Yes | During May – July 2017, a Manager used inappropriate verbal and physical behaviour towards his subordinate. He was told to stop but continued. |
| Cape Town | 1 | Yes | During January – July 2017 a Supervisor continuously harassed 11 employees, male and female subordinates. He spanked and touched woman inappropriately. He also touched male employees on their heads. |
| **Total** | **3** |

(2)

|  |  |  |
| --- | --- | --- |
| **Worksite** | **Investigation Conducted** | **Outcomes of Investigation** |
| OR  Tambo | Yes | The matter was referred to disciplinary hearing. Hearing was conducted on 23 March 2017. Employee was found guilty and employment was terminated. He referred an unfair dismissal dispute to CCMA. An arbitration was held on 20 December 2017. The CCMA gave an award in favour of employer. |
| Kimberly | Yes | The manager was suspended on 13 December 2017. The investigation process was conducted and a decision to discipline the manager was confirmed. The Manager subsequently resigned on 07 March 2018, terminating his employment with the Company. |
| Cape Town | Yes | During July 2017 an investigation was conducted. Investigation established and confirmed prima facie evidence against the perpetrator and a disciplinary process was engaged. The Supervisor resigned on 02 Feb 2018, terminating his employment with the Company. |

**3. Air Traffic and Navigation Services SOC Limited (ATNS)**

1. (ii)Air Traffic & Navigation Services SOC Limited**:** ATNS has a Sexual Harassment Policy that is applicable to all employees. The Policy is implemented in compliance with acceptable statutory requirements and is based on fairness and consistency. No sexual harassment charges shall be instituted against an employee until such time that an investigation into the allegations is concluded. A climate is also created and maintained in which victims of sexual harassment will not feel that their harassment complaint is ignored or trivialized, or fear reprisals. Sexual harassment may also be reported through the Whistle Blowing Policy and therefore not reported to Human Resources**.**

(aa) 2016

|  |  |  |  |
| --- | --- | --- | --- |
| **Incident Date** | **Details of the incident** | **Incident investigated** | **Outcome of Investigations** |
| 13 January 2016 | Unsolicited flirting with a married colleague. | Matter investigated, and a formal disciplinary hearing was conducted on 8 February 2016. | The employee was found to have a substance abuse problem. ATNS arranged for rehabilitation at a rehabilitation center for his own costs as well as receiving a Final Written Warning for a period of one (1) year. |

bb) 2017**:** Zero (0) Sexual Harassment incidents reported to Human Resources for 2017.

**4. South African Civil Aviation Authority (SACAA)**

(a) (i) Is not applicable (N/A), (ii) There were no reported incidents of sexual harassment reported to the Human Resources Division of the South African Civil Aviation Authority in (aa) 2016 and (bb) 2017 and (b) is not applicable (N/A).

Not applicable.

**5.** **Cross-Border Road Transport Agency**

1. (a) (ii)The Cross-Border Road Transport Agency does not have any sexual harassment incidents that were reported to the human resources office in (aa) 2016 and (bb)2017; and (b) Not applicable
2. Not applicable

**6. Road Accident Fund (RAF)**

1) (a) (ii) the Road Accident Fund (RAF) were (aa) **two (2)** in 2016 and (bb) **one** **(1)** in 2017 and

|  |  |
| --- | --- |
| **(b) the details of each incident that took place are** | **(2) each incident was investigated and the outcomes of the investigation in each case was as follows:** |
| a male RAF employee was alleged to have inappropriately touched a female RAF employee | a formal disciplinary hearing was held, which resulted in the male employee being dismissed |
| a male RAF employee was alleged to have prevented a female RAF employee from entering her office and proceeded to kiss her without her consent | a formal disciplinary hearing was held, which resulted in the male employee being dismissed |
| a male RAF employee was alleged to have made an inappropriate sexual comment to a female RAF employee | the matter was investigated by an independent third party. The allegations of misconduct could not be proven or substantiated, and no further steps were taken. |

**7. Road Traffic Infringement Agency (RTIA)**

1. (a) (ii)The Road Traffic Infringement Agencydoes not have any sexual harassment incidents that were reported to the human resources office in (aa) 2016 and (bb); and (b) Not applicable
2. Not applicable

**8. Road Traffic Management Corporation**

1. (a) (ii)The Road Traffic Management Corporationdoes not have any sexual harassment incidents that were reported to the human resources office in (aa) 2016 and (bb) 2017; and (b) Not applicable
2. Not applicable

**9. South African National Roads Agency Limited (SANRAL).**

1. (a) two **(2)** incidents of sexual harassment that were reported to the HR Offices of (ii) The South African National Roads Agency Limited (SANRAL). All incidents were investigated and concluded as described below

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **(ii) SANRAL Region** | **(1) (aa) 2016** | **(1) (bb) 2017** | **(1) (b) Details** | **(2) Outcomes** |
| Eastern Region – KZN (PMB) | 17 August 2016 |  | A Sanral employee was sexually harassed by an engineer that was working for consultant service providers. | As the accused was not employed by Sanral, the service provider held a disciplinary enquiry. The accused was found not guilty. Sanral removed its affected staff member from the site in light of the outcome. |
| Northern Region – Pretoria |  | July 2017 | Sexual harassment was reported through a third party to Sanral’s Tip-off line. | The investigation was conducted by Audit & Risk Management Solutions (ARMS). No further action was taken against the employee based on the findings. |

**10. South African Maritime Safety Authority (SAMSA)**

South African Maritime Safety Authoritydoes not have any sexual harassment incidents that were reported to the human resources office in (aa) 2016 and (bb); and (b) Not applicable

Not applicable

**11. Ports Regulator South Africa (PRSA)**

1. (a) (ii) There were no incidents of sexual harassment cases that were reported to the human resources department in (aa) 2016 and (bb) 2017.

(b) N/A

1. N/A

**12. Passenger Rail Agency of South Africa (PRASA):**

1. Please refer to table below.
2. Please refer to table below.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **PERIOD** | **INCIDENT** | **COMPLAINANT** | **ALLEGED OFFENDER** | **REGION** | **INVESTIGATION and OUTCOME** |
| 2016 | 11 October 2016 | Human Resources Manager | Protection Official | Metrorail  Eastern Cape | Incident was investigated alleged offender was exonerated.  Matter was referred to the CCMA and award was in favour of the Offender/Employer.  The complainant has taken the matter to Labour Court on review. |
| 2016 | October 2016 | Office Admin Assistant | Executive Manager | MLPS | Matter was investigated internally (Corporate Protection Services) and referred for external legal investigation (Bowmans and Gilfillan Attorneys). Alleged perpetrator also lodged an internal grievance for false accusation (20 September 2017). |
| 2017 | October 2017: | Protection Official | Area Manager | Metrorail  Western Cape | Internal Disciplinary Hearing concluded employee found not guilty. |
| 2017 | 8 June 217 | Office Admin Assistant | Maintenance Fitter | Metrorail  Western Cape | Internal Investigation indicated there was no substantial evidence of sexual harassment. Case closed. |
| 2017 | 6 April 2017 | Admin Official | Protection Official | Metrorail  Western Cape | Grievance lodged internally, both parties and management did not show up for several scheduled hearings Case withdrawn |
| 2017 | October 2017: | Protection Official | Area Manager | Metrorail  Western Cape | Internal Disciplinary Hearing concluded employee found not guilty. |

**13. Railway Safety Regulator (RSR):**

There were no sexual harassment incidents reported to the Human Resources Department in the 2016/17 financial year.